

# Orange Township Zoning Resolution

Proposed January 20, 2026 As Amended

“Controlling and promoting the quality  
of life in Orange Township”



Orange Township  
1680 E. Orange Road  
Lewis Center, OH 43035  
Delaware County, Ohio

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[www.orangetwp.org](http://www.orangetwp.org)

i.  
ver. 2022

# **Zoning Resolution of ORANGE TOWNSHIP Delaware County, Ohio**

*Zoning approved by voters November 8, 1955,  
and as amended  
October 8, 1971,  
November 25, 1982,  
January 19, 1989,  
February 1, 1990,  
October 6, 1992,  
June 2, 1994,  
January 27, 2002,  
June 15, 2005,  
August 16, 2006,  
May 17, 2007,*

*August 20, 2008,*

*May 7, 2009,*

*June 16, 2010*

*March 9, 2011*

*May 1, 2013*

*June 13, 2016*

*June 1, 2019*

*August 3, 2020*

*November 4, 2020*

*And,*

*July 21, 2022*

#### **BOARD OF TOWNSHIP TRUSTEES**

Michael Ringle

Erica Fouss

Lisa Knapp

#### **TOWNSHIP FISCAL OFFICER**

Donna Batten

#### **ZONING COMMISSION**

Christine Trebellas

Dennis McNulty

Pamela Foster

Karthik Avadhanula

Leslie Pierce

Punitha Sundhar, alternate

Mark Freeman, alternate

#### **BOARD OF ZONING APPEALS**

Kelvin Trefz

Suzie Ross

Stacey Neff

Nickolas McCoy

Joseph Pax

Steve Totzke, alternate

Christopher Wellington, alternate

#### **TOWNSHIP ADMINISTRATOR**

Michele Boni

#### **ZONING INSPECTOR**

Robin Duffee

**NOTICE**

These materials represent a current compilation of the Orange Township Zoning Resolution, and reflect the end product of the evolution of Zoning in Orange Township from its initial adoption by the voters on November 8, 1955, and through the amendments effective October 8, 1971, November 25, 1982, January 19, 1989, February 1, 1990, October 6, 1992, June 2, 1994, January 27, 2002, June 15, 2005, August 16, 2006, May 17, 2007, August 20, 2008, May 7, 2009, June 16, 2010, March 9, 2011, May 1, 2013, June 13, 2016, June 1, 2019, August 3, 2020, November 4, 2020, and July 21, 2022

Every effort has been made to ensure the accuracy of this compilation. However, the user is advised that, in any conflict between these materials and the original Zoning Resolution or the Amendments thereto, the text of the latter shall control.

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## Article 1. Title and Authority

### Section 1.01 Title and Authority

- A. Title.** This Resolution and all provisions contained herein shall hereinafter be known and cited as the “Orange Township Zoning Resolution,” and hereinafter referred to as the/this “Resolution” or “these regulations” or the/this “Zoning Resolution.” This Zoning Resolution is made a part of **INSERT RESOLUTION** and shall become effective from and after the date of its approval and adoption.
- B. Adoption authority.** This Zoning Resolution was adopted under authority granted to Ohio Townships by the Legislature of the State of Ohio in Chapter 519 of the Ohio Revised Code.

### Section 1.02 Purpose

- A.** The purposes of this Zoning Resolution are to:
- (1)** Achieve the goals set out per [Section 519.02](#) of the Ohio Revised Code pertaining to Ohio Townships.
  - (2)** Achieve the land use goals set out in the Township’s Comprehensive Plan and other adopted long-range plans.
  - (3)** Accommodate growth and foster vibrancy and resiliency for residents, businesses, and institutions, and organizations.
  - (4)** Conserve and enhance the Township’s environment.
  - (5)** Conserve property values throughout Orange Township.
  - (6)** Ensure adequate space for commercial, industrial, residential, and civic uses and activities, and facilitate harmonious and complementary interaction between these activities.
  - (7)** Promote equal opportunity to realize the benefits of living in Orange Township.

**Section 1.03 Comprehensive Plan**

- A.** A Comprehensive Plan (“Plan”) sets out community objectives pertaining to land use and acts as a policy guide for Township zoning regulations; and
- B.** This Resolution should be updated in accordance with periodic updates to the Plan in order to effectively reflect the Plan and community objectives.

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## ARTICLE 2. Interpretations of Standards

### Section 2.01 Minimum Requirements and Relationships Between Provisions

- A. Minimum requirements.** When interpreting and applying the provisions of this Resolution, they shall be held to be the minimum requirements adopted for the promotion of public health, safety, comfort, convenience, and general welfare.
- B. Relationship with other laws.** This Zoning Resolution shall not repeal, abrogate, annul or in any way impair or interfere with any existing provisions of laws or ordinances or any rules or regulations previously adopted or issued, or which shall be adopted or issued pursuant to law regulating the use of buildings or premises. However, where this Resolution imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger lots or yards than are imposed or required by such existing provisions of law or ordinance or by such rules or regulations, the provisions of this Zoning Resolution shall control.
- C. Prior zoning resolutions.** Except as shall be expressly provided for in this Resolution, the adoption of this Resolution shall not:
- (1) Nullify or make void any action pending under, or by virtue of, any prior zoning resolution or subdivision code;
  - (2) Discontinue, nullify, void, abate, modify, or alter any penalty accruing or about to accrue under, or by virtue of, any prior zoning resolution or subdivision code;
  - (3) Affect the liability of any person, firm, or corporation under, or by virtue of, any prior zoning resolution or subdivision code;
  - (4) Waive any right of the Township under any section or provision of any prior zoning resolution or subdivision code; or

- (5) Vacate or annul any rights obtained by any person, firm, or corporation by lawful action of the Township under, or by virtue of, any prior zoning resolution or subdivision code.

**D. Previous active districts.** Prior adopted versions of the Orange Township Zoning Resolution included various districts that are no longer identified as zoning districts within this Resolution, including, but not limited to, Agricultural Preservation District (“A-1”), Low-Density Residential District (“R-2”), Medium Density Residential District (“R-3”), Single Family Planned Residential District (“SFPRD”), Multi-Family Planned Residential District (“MFPRD”), Neighborhood Office District (“C-1”), Planned Commercial and Office District (“PCD”), Planned Elderly Residential District (“PERD”), Industrial District (“I”), Planned Industrial District (“PI”), and Route 23 Corridor Overlay District (“RCOD”). While these districts are no longer districts within this Resolution, copies of their text shall be located in the Township Administrative Offices of Orange Township for reference purposes. After the effective date of this Zoning Resolution, no applications for the aforementioned districts shall be accepted by the Township to rezone properties to these districts. Properties within the aforementioned districts that are Planned Districts in accordance with Ohio Revised Code Section 519.021 may apply for amendments in accordance with the procedures within their approved development plans, if any, or in accordance with Ohio Revised Code Section 519.12.

## Section 2.02 Zoning Map

**A. Zones and districts.** The Township is divided into zones and districts as shown on the Zoning Map, which, together with all explanatory matter thereon, is adopted by reference and declared to be a part of this Resolution.

- B. Zoning map location.** The Zoning Map shall be located in the Township Administrative Offices of Orange Township, and on the Township's official website – as maintained by the Delaware County Regional Planning Commission, and this map shall be the final authority as to the current zoning status of land and water areas, building, and other structures in the Township.
- C. Changes to the zoning map.** No changes of any nature shall be made in the Zoning Map or matter shown thereon except in accordance with the procedures set forth in ORC [Section 519.12](#). Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Resolution and punishable as provided under this Resolution.

### Section 2.03 Rules for Interpreting Zoning Boundaries on the Zoning Map

- A. Clarifying boundaries.** The provisions of this Section provide the methods for clarifying the boundaries of the established districts and zones as shown on the Zoning Map.
- B. Boundaries approximately following streets, alleys, or highways.** Where district boundaries are indicated as approximately following the center line or right-of-way line of streets, the center line or alley line of alleys, or the center line or right-of-way lines of highways, such lines shall be construed to be such district boundaries.
- C. Boundaries following lot lines.** Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- D. Vacation of public ways.** Whenever any street or public way is vacated in the manner authorized by law, the zoning districts adjoining each side of the street or public way shall be automatically extended to the center of such vacations and all area included in the vacation shall thereafter be subject to all regulations of the extended districts.

### Section 2.04 Severability and Repeal

- A. Severability.** If for any reason any one or more articles, sections, sentences, clauses, or parts of this Zoning Resolution are held invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Zoning Resolution but shall be confined in its operation to the specific sections, sentences, clauses, or parts of this Zoning Resolution held invalid. The invalidity of any section, sentence, clauses, or parts of this Zoning Resolution in any one or more instances shall not attest or prejudice in any way the validity of this Zoning Resolution in any other instance.
- B. Repeal.** This Zoning Resolution may be repealed only by complying with the requirements of Chapter 519 of the Revised Code of Ohio as amended.

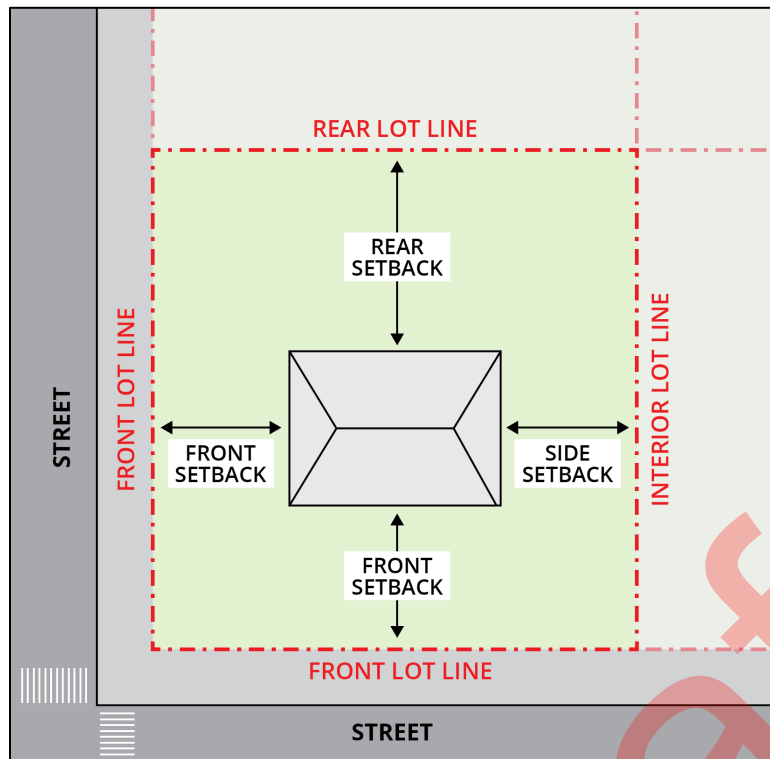
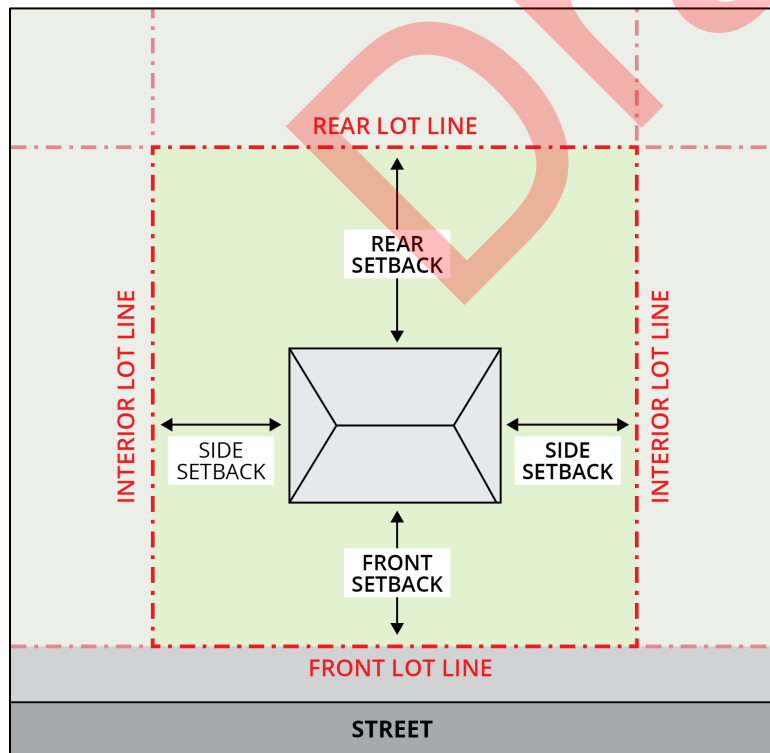
### Section 2.05 Rules of Measurement and Calculation

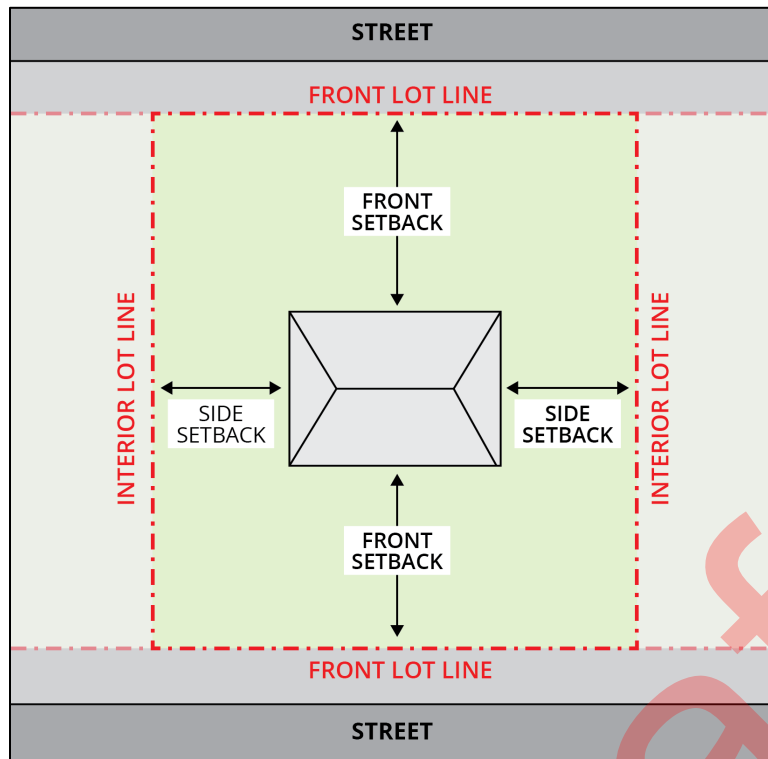
- A. Measuring Distance.** When measuring a required distance, such as the minimum distance between a structure and a particular lot line, the measurement is made at the closest or shortest distance between them.
- B. Lot or Yard Dimensions.** No yard or lot existing at the time of passage of this Resolution shall be reduced in dimension or area below the minimum or above the maximum requirements set forth herein. Yards or lots created after the effective date of this Resolution shall meet at least the minimum or maximum requirements established by this Resolution. The Zoning Inspector will determine the location of setbacks for irregular shaped lots.
- C. Measuring Setbacks.**
- (1)** The front setback is measured at a right angle from the abutting public right-of-way line or abutting private right-of-way line to the closest point of the primary structure that is not deemed to be a permitted encroachment. This provision applies whether the abutting public right-of-way line or private right-

of-way line exists as a separate recorded property, or as an easement on the subject property. For the purposes of measuring setbacks, alleys shall be considered a private right-of-way line. For a through lot, a corner lot, or a separate type of lot that does not have a clearly distinguishable front street and/or front lot line, the Inspector shall determine the front street and/or front lot line based on the following factors to promote orderly development:

- (i) The recorded address of the subject property;
  - (ii) The improvements on the subject property and their proximity to a given public right-of-way;
  - (iii) The recorded addresses of properties that are immediately adjacent to the subject property; and
  - (iv) The improvements on properties that are immediately adjacent to the subject property, and their proximity to a given public right-of-way.
- (2) Where a lot extends through the block from street to street, the required front yard must be provided along each street unless a variance is granted.
- (3) Corner lots, or any other lots that front multiple public right-of-way lines or private right-of-way lines, shall have multiple front setbacks, measured at a right angle from the abutting public right-of-way line or abutting private right-of-way line.
- (4) The rear setback is measured at a right angle from the rear lot line or the rear right-of-way or easement line where there is an alley. The rear lot line is the lot line most directly opposite to the front street lot line. Where there is more than one such lot line, the Zoning Inspector will determine the rear lot line.
- (5) All lot lines which do not front a street, side street or rear lot lines are considered side interior lot lines. Setbacks from interior lots lines shall be measured as the closest or nearest point of the primary structure from the interior lot line.



*Figure 2.05-A - Corner Lot**Figure 2.05-B - Interior Lot*

*Figure 2.05-C - Through Lot*

#### **D. Determining Average Grade.**

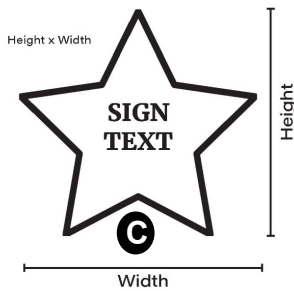
- (1) Average grade is determined by calculating the average of the highest and lowest elevation along natural or improved grade (whichever is more restrictive) along the front of the existing or proposed building parallel to the front street setback line.
- (2) The Zoning Inspector may only require a calculation of the average grade as part of an application for a zoning certificate in instances where the property of a proposed development has a slope of 20% or greater.

**E. Height Measurement.** Building height is measured as the distance between a horizontal line at the average existing predevelopment grade of the lot directly beside the structure and the highest point of the building.

**F. Exceptions to Building Height Standards.** Chimneys, elevators, poles, spires, tanks, towers, and other incidental projections are not included in calculating height and may extend above the height limit. If the projection is not an architectural feature, any applicable enclosures or shielding must be installed.

**G. Sign area.** Sign area is measured based on the following practices, as applicable:

- (1) For signs on a background, the entire area of the framework or background of the sign is calculated as the sign area, including any material or color forming the sign face or background used to differentiate the sign from the sign structure against which it is placed. This area does not include the base that supports the sign. (See diagram “A” below).
- (2) For signs consisting of freestanding letters or features attached to a wall, the sign area is calculated as the total area of the smallest rectangle(s) that encapsulates text, numbers, symbols, images, and logos (see diagram “B” below). Sign area does not include any supporting framework or bracing unless such framework or bracing is part of the message or sign face (see diagram “A” below)
- (3) For signs that are non-rectangular shapes, including neon signage in windows, the total sign area is measured by multiplying the full width of the overall sign copy, including the lettering, logo, and graphics, by the overall height of the sign copy in a rectangular manner, regardless of the arrangement of the copy (see diagram “C” below).
- (4) When two sign faces are placed back-to-back, so that both faces cannot be viewed from any one point at the same time and part of the same sign structure and are not more than 24 inches at its furthest distance apart, the sign area shall be computed by the measurement of one of the faces.



- H. Sign height.** Sign height is measured as the vertical distance between the established grade and the highest part of the sign.

## Section 2.06 Rules of Interpretation

- A.** Whenever a defined word appears in this Resolution, its meaning is as set forth in this Resolution. Words not defined in this Resolution are interpreted in accordance with their usual dictionary meaning and customary usage.
- B.** All references in this Resolution to other regulations or manuals refer to the most current version and citation for those regulations or manuals, unless expressly indicated otherwise. When the referenced regulations or documents have been repealed and not replaced by other regulations or manuals, requirements within this Resolution for compliance are no longer in effect.
- C.** Illustrations, diagrams, and flowcharts are included in this Resolution to illustrate the intent and requirements of the text. In the case of a conflict between the text and any illustration, diagram, or flowchart, the text controls.

**D.** The language of this Resolution shall be interpreted in accordance with the following regulations:

- (1)** The word “person” includes a firm, association, organization, partnership, trust, limited liability company, corporation, or other legal entity, as well as an individual.
- (2)** The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular, in each case, if the context so requires.
- (3)** The word “shall” is mandatory, the word “may” is permissive.
- (4)** The words “used” or “occupied” include the words “intended,” “designed,” “constructed,” “altered,” or “arranged” to be used or occupied.
- (5)** The word “lot” includes the words “plot,” “tract,” or “parcel.”
- (6)** The terms “standards,” “regulations,” and “requirements” are used to mandate a specific course of action or built outcome.
- (7)** The phrase “zoning permit” includes “zoning certificate.”

**E.** Section headings are provided for ease of use and organization and shall not be interpreted as regulatory.

**F.** Where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and,” “either ... or,” the conjunction shall be interpreted as follows:

- (1)** “And” indicates that all the connected items, conditions, provisions or events shall apply.
- (2)** “Or” indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
- (3)** “Either ... or” indicates that all the connected items, conditions, provisions or events shall apply singly but not in combination.

**Section 2.07 Residential Density**

- A.** Where residential density standards apply in this Resolution, the density shall be calculated as the number of dwelling units per gross acre of area within the area to be developed.

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## ARTICLE 3. Definitions

### Section 3.01 “A” Terms

**Accent Lighting.** Lighting of building surfaces, landscape features, statues, flags, and other similar items for the purpose of decoration, ornamentation, and accentuation. Accent lighting is unrelated to safety, business operation, or essential lighting function.

**Accessory Dwelling Unit (ADU).** A residential dwelling unit, but not a mobile home, located on the same lot as a primary dwelling, either within the same building or in a detached building. The accessory dwelling unit must be subordinate and incidental to the principal unit.

**Accessory Structure.** A structure that has a permanent foundation detached from the principal building, is subordinate to the principal use of a building on the lot or tract and serves a purpose customarily incidental to the use of the principal building. Examples of Accessory Structures are detached private garages, carports, sheds, pool houses, storage buildings, and other similar type buildings. This definition excludes screening and fencing.

**Accessory Use.** A use that is located on the same property as the primary use and is incidental to the primary use or is customarily associated with the primary use.

**ADA.** Americans with Disabilities Act.

**Adult Entertainment Business.** An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, nude or seminude model studio, or sexual encounter establishment.

**Advanced Manufacturing.** The use of innovative technologies to improve products or processes. These technologies include control systems, custom manufacturing, high precision technologies, sustainability technologies, high performance computing and advanced robotics.

**Agriculture.** Per Section 519.01 of the Ohio Revised Codes: farming; ranching; algaculture meaning the farming of algae; aquaculture; apiculture; horticulture;

viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; and the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

**Agritourism.** An agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity.

**Alcoholic Beverage Distribution.** A facility for storage and wholesale distribution of alcoholic beverages, but not including retail sales.

**Alley.** A minor right-of-way which is used primarily for vehicular service access to the back or the side of properties having principal frontage on another street.

**Antique Shop.** The sale of items belonging to, made in, or typical of an earlier period of time.

**Art Studio.** Workspace for one or more artists or artisans, including the accessory private sale of art produced on the premises, which are not open to the public.

**Artisan Manufacturing.** The on-site production of goods by hand manufacturing conducted wholly within an enclosed building of less than 5,000 square feet of gross floor area which involves the use of hand tools and small-scale equipment.

**Arts Center.** A non-profit, public, or commercial facility for preserving and exhibiting artistic, historical, scientific, natural, or man-made objects of interest, which may include the sale of the objects collected and memorabilia, the sale of crafts work and artwork, boutiques, and the holding of public and private meetings and social events.



**Assisted Living Facility.** A building constructed to provide a continuum of long-term care services that provides a combination of housing, personal care services, and health care designed to respond to individuals who need assistance with normal daily activities in a way that promotes maximum independence. The individual housing units are located within a single building where access is provided from hallways extending from a common building entry point(s).

**Assisted Living Facility, Senior.** A residential facility licensed in the State of Ohio used for the reception and care of elderly individuals who by reason of illness or physical or mental impairment require skilled nursing care and of individuals who require personal care services but not skilled nursing care.

**Auto-Oriented Use.** A facility where a service is rendered directly on, to, or for vehicles. Auto-oriented uses include, but are not limited to, car washes (all types), gas stations, facilities specializing in oil changes, car repair/maintenance, establishments installing car accessories, other similar auto service facilities, the sale of new or used vehicles, auto body repair, and stand-alone parking lots.

### Section 3.02 “B” Terms

**Basement.** A portion of a building, partly or completely underground, which has more than one-half its height measured from finished floor to finished ceiling above the average grade of the adjoining ground, and not deemed a story unless the ceiling is six feet or more above the average grade.

**Belt Course.** A molding or continuous row of masonry running horizontally along a building.

**Berm.** A flat strip of raised earth such as a terrace or a raised bank.

**Beverage Brewing and Distilling.** An establishment where beer, malt beverages or spirits are made on the premises and then sold or distributed either by wholesale or retail, which may include incidental on-premises consumption.

**Beverage Distribution.** A facility for the storage and warehousing of alcoholic or non-alcoholic beverages, which are then distributed off-site.

**Beverage Production, Non-Alcoholic.** Production of non-alcoholic beverages made on premises and then sold or distributed off-site either by wholesale or retail.

**Beverage Sales, Liquor, Beer, or Wine Store.** An establishment for the sale of beer, wine and general alcoholic beverages, including the sale of distilled spirits or hard liquor, for off-premises consumption, but not including the incidental sale of convenience items such as, without limitation, pre-packaged snacks, non-alcoholic beverages, personal care items, clothing, household items and/or cigarettes.

**Blighted Property.** Any buildings or improvements or combination thereof which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement of design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.

**Borrow Pit.** An area created to remove earthen material from, which will be used for fill at another location.

**Bufferyard.** An area of plantings and/or landscaping which serves to physically and visually separate land uses.

**Building.** Any structure having a roof supported by columns or walls, that is used, or intended to be used, for the shelter or enclosure of persons, animals, or property.

**Building Frontage.** The portion(s) of a building that faces a non-alley right-of-way.

### Section 3.03 "C" Terms

**Canopy.** A permanent structure other than an awning made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure.

**Car Wash.** A facility, whether automatic, semi-automatic or manual, for washing vehicles.

**Carport.** Any space outside a building and contiguous thereto, wholly or partly covered by a roof, and used for the shelter of motor vehicles.

**Cemeteries.** Land used for the burial of the dead and dedicated for cemetery purposes, including columbarium, mausoleums and mortuaries when operated in conjunction with and within the boundary of the cemetery.

**Clinic.** Any establishment where human patients are examined and are treated by or under the care and supervision of doctors, dentists or other medical practitioners, but where patients are not hospitalized overnight. This definition shall not include medical facilities defined as Urgent Care.

**Clinic, Veterinary.** An establishment where animals are examined and treated by veterinarians, and which may include kennels for temporary boarding of animals during treatment.

**Collection and Recycling Facility.** A center for the collection and/or processing of recyclable materials, but not including storage containers located on a residentially, commercially, or industrially designated site used solely for the recycling of material generated on the site.

**Commencement of Construction.** The time at which physical improvements begin to be made to a property (excluding the clearing of the land).

**Commercial College.** A for-profit post-secondary educational institution that holds a Certificate of Authorization from the Ohio Department of Higher Education.

**Commercial Recreation, Indoor, Large.** An establishment equal to or greater than 5,000 GFA operated by an entity other than a public entity for profit for indoor recreation and/or leisure activities, including but not limited to dance studios, health and/or fitness clubs, martial arts and gymnasiums.

**Commercial Recreation, Indoor, Small.** An establishment of less than 5,000 GFA operated by an entity other than a public entity for profit for indoor recreation and/or leisure activities, including but not limited to dance studios, health and/or fitness clubs, martial arts and gymnasiums.

**Commercial Recreation, Outdoor, Small.** An establishment on a lot smaller than or equal to one acre in size that is not enclosed in buildings and that is operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreation use is located. Such an establishment may include, but is not limited to, public or private swimming pools, tennis courts, go-cart courses, or mechanical rides.

**Commercial Recreation, Outdoor, Large.** An establishment on a lot greater than one acre in size that is not enclosed in buildings and that is operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreation use is located. Such an establishment may include, but is not limited to, public or private swimming pools, tennis courts, go-cart courses, or mechanical rides.

**Commercial Vehicle.** A vehicle maintained or operated by a commercial establishment that is often parked or stored on the same lot as the commercial establishment.

**Common Access Drive.** A common access drive refers to a shared driveway or road that provides access to multiple properties or lots.

**Community Center.** A facility where activities are programmed for children, adults, or seniors by a public or not-for-profit entity. Activities must be community-oriented and may be located indoors, outdoors, or on associated playfields.

**Community Garden.** A site operated and maintained by an individual or group to cultivate trees, herbs, fruits, vegetables, flowers, or other ornamental foliage for the following uses: personal use, consumption, donation or sale of items exclusively grown on the site.

**Concession Stand.** Any temporary stand or accessory window at a sporting or other public venue/event that serves food and beverages.

**Construction-Related Structures.**

- (1) An impermanent structure erected or placed only at a construction site for the purposes of administration and management of the construction activities, or for enclosed storage of construction supplies.
- (2) An impermanent structure erected or placed within a subdivision for the purposes of selling properties and dwellings within such subdivision and where such impermanent structure is removed before or shortly after the sale of the last developed lot within the subdivision.

**Corbel.** A structural piece of stone, wood, or metal jutting from a building wall.

**Cornice.** Any horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhang.

**Cupola.** A domelike structure on top of a roof or dome, often used as a lookout or to admit light and air.

### Section 3.04 “D” Terms

**Data Center.** A facility that houses computers, data, and transaction processing equipment and is focused on the mass storage or processing of data, including data or cryptocurrency mining. This use typically does not include corporate headquarters or significant business office functions.

**Day Care Center.** Any place that is not the permanent residence of the licensee or administrator in which child care is provided, with or without compensation, for seven to twelve children at one time, or any place in which child care is provided for thirteen or more children at one time. Such a use may include a pre-school facility.

**Day Care Home, Type A.** A permanent residence of the administrator in which child care or publicly funded child care is provided for seven to twelve children at one time or a permanent residence of the administrator in which child care is provided for four to twelve children at one time if four or more children at one time are under two years of age. In counting children for the purposes of this paragraph,

any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the type A home shall be counted.

**Day Care Home, Type B.** A permanent residence of a childcare provider in which child care services are provided for one to six children at one time and in which no more than three children may be under two years of age at one time.

**Deck.** A floor area extending from the outside wall of a building above ground level, whether or not its supports rest on the ground. A deck may or may not be sheltered by a roof. A deck is not enclosed by walls other than a protective railing on those sides which are not abutting building walls.

**Diameter at Breast Height.** The diameter of a tree four and one-half feet above average ground level.

**Drive Aisle.** A vehicular accessway within a parking lot or parking structure.

**Drive Through.** Any establishment, building, building design feature, type of operation, or nature of business that has as one of its functions the provision of services to motor vehicles or their occupants, or the provision of services to the occupants of motor vehicles while they remain in a vehicle.

**Driveway Intersection Triangle.** At the intersection of driveways with streets or roads, the sight triangle shall be established by locating the intersection of the street curb or edge with the driveway edge, and by measuring from this point and a distance of ten feet along the driveway to a point and a distance of twenty feet along the street curb to a point, and connecting these points.

**Drug, Alcohol, or Psychiatric Treatment Center.** A facility that provides for the treatment or counseling of persons having drug or alcohol abuse problems or psychiatric illnesses under the supervision of professional health care or social services providers.

**Drugstore.** A retail establishment which sells prescription drugs, patient medicines, surgical and sickroom supplies and which also may sell cosmetics, household goods and a limited selection of food products.

**Dwelling Unit.** A self-contained residential unit within a permanent structure that provides complete living facilities for one or more persons, including permanent facilities for living, sleeping, eating, cooking, and sanitation.

### Section 3.05 “E” Terms

**Egress Window.** A window or window-like opening that provides a path for exiting a building in the event of an emergency. Windows that have bars, that are nailed or screwed shut, that are locked with a key, that do not lead to the exterior of a property, or that are physically blocked by a dumpster, vehicle, wall, or other object shall not qualify as egress windows. For the purposes of setbacks, the wells of egress windows and their appurtenant features shall count as part of a building or structure.

**Elevation, Architectural.** A scaled drawing of the side, front, or rear of a structure intended to illustrate how the building will look or function.

**Essential Communications Facility.** This entails wireless services federally licensed commercial mobile service as defined in the “Telecommunications Act of 1996,” 110 Stat. 61, 151, 153, 47 U.S.C. 332(d) and further defined as commercial mobile radio service in 47 C.F.R. 20.3. Under division (A)(19) of this section, commercial mobile radio service is specifically limited to mobile telephone, mobile cellular telephone, paging, personal communications services, and specialized mobile radio service provided by a common carrier in this state and excludes fixed wireless service.

**Event Center.** A facility that accommodates events, conferences, or weddings.

### Section 3.06 “F” Terms

**Façade.** The front or face of a building, emphasized architecturally.

**Face Change.** The process of replacing the message area of a sign. A face change may include, but is not limited to, the replacement of a message board within a sign cabinet. The following changes to a sign shall not qualify as a face change: the expansion or reduction of the message area; an addition of or increased

intensity in lighting; an increase in the height of a sign; a change in the location of a sign.

**Fence.** A barrier, railing, or other upright structure, typically of wood or a wood-like product, enclosing an area of ground.

- (1) **Fence, Accent.** A fence that is used solely for ornamental purpose and does not enclose or partially enclose an area.
- (2) **Fence, Chain Link.** A fence usually made of metal, loops of wire interconnected in a series of joined links and including vinyl, plastic-coated or painted varieties.
- (3) **Fence, Crossbuck.** A post and rail fence constructed of wood or vinyl with two (2) horizontal rails and two (2) boards in the middle that cross, creating an "X".
- (4) **Fence, Picket.** A partially open fence made of upright wooden poles or slats. This fence may be an open fence if the space between the vertical boards is greater than the width of the boards.
- (5) **Fence, Privacy.** A solid fence constructed of wood, vinyl, composite, masonry, metal or other similar material that has more than 50 percent of its vertical surface closed to light and air.
- (6) **Fence, Split Rail.** A fence constructed of narrow, whole or split, wooden timbers or boards placed horizontally between upright supporting posts. Smooth rail, split rail, milled rail or contemporary rail fences may have supplemental wire fencing or mesh attached to the interior of the fence. Such wire shall be painted or coated black.
- (7) **Fence, Wrought Iron.** A fence constructed of metal, including aluminum, iron or steel, pipe, tubes or bar stock and having some type of decorative features or design. Wrought iron fences shall not have pointed ends exposed but may have finials with blunt ends.



**Financial Institution.** Any building, property, or activity of which the principal use or primary purpose is the provision of financial services, including, but not limited to, banks, facilities for automated teller machines (ATMs), credit unions, savings and loan institutions and mortgage companies.

**Fitness Facility/Gym.** A building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities, organized fitness class or other customary and usual recreational activities operated for profit or not-for-profit.

**Food Sales, Large Grocery.** A retail establishment with a gross floor area greater than 5,000 square feet which primarily sells food, but also may sell other convenience and household goods. A section for fresh fruits and vegetables no less than 60 square feet must be visible within the retail area of the establishment.

**Food Sales, Small Grocery.** A retail establishment with a gross floor area less than 5,000 square feet which primarily sells food, but also may sell other convenience and household goods. A section for fresh fruits and vegetables no less than 30 square feet must be visible within the retail area of the establishment.

**Food Service, Commissary/Bakery.** An establishment primarily engaged in the retail sale of baked products for consumption off site that may be prepared either on or off site and may include incidental food service.

**Food Service, Deli.** An establishment where food is sold for consumption primarily off-premises. Food may be prepared on-premises or off-premises and may include incidental food service. This definition does not include groceries or supermarkets.

**Food Truck.** A motorized vehicle that is temporarily parked in a location to sell food and/or non-alcoholic beverages to the public. This definition includes food concession trailers pulled by motorized vehicles that are used to prepare or sell consumable foods.

**Footcandle.** A unit that measures the amount of light that falls onto a surface as emitted by an exterior lighting device. For the purposes of this Resolution, Footcandle refers to Horizontal Footcandles rather than Vertical.

**Front Street.** The non-Alley right-of-way abutting a Front Lot Line.

**Funeral Home.** A licensed facility for any or all of the following services: Embalming and the performance of other services used in the preparation of the dead for burial; the performance of autopsies and other surgical procedures; the storage of caskets, funeral urns, and other related funeral supplies; the storage of funeral vehicles; and facilities for cremation, which may include a funeral chapel, gathering and/or event spaces.

### Section 3.07 “G” Terms

**Garden Center.** An establishment where retail and wholesale products and produce are sold directly to the consumer, and which may include a nursery and/or greenhouse, and which may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils, and where outdoor storage is incidental to the sale of goods.

**GFA.** Gross floor area.

**Government Administration.** Any building which hosts offices for personnel either directly employed or contracted to provide a government administrative function.

**Green Roof.** A roof that is partially or completely covered with vegetation.

**Ground Mounted Solar Energy Systems.** A solar energy system that mounts a solar panel or panels and facilities directly on or above the ground.

**Group Home.** A residence or facility licensed under Ohio Revised Code Sections 5119 or Section 5123 that provides accommodations and supervision to six to sixteen unrelated adults, at least three of whom require personal care services.

### Section 3.08 “H” Terms

**Heavy Industrial.** See Industrial, Heavy.

**Home-Based Business.** An accessory use of a service character carried on entirely within a dwelling unit by the residents thereof which is clearly incidental and secondary to the use of the building for dwelling purposes and which does not change the residential character thereof.

**Home Occupation.** An accessory use which is an activity, profession, occupation, service, craft, or hobby conducted by a person on the same premises as the principal place of residence which is clearly subordinate and incidental to the use of the premises for residential purposes. This definition does not include telework or remote-based work for a business that is operated outside of the home of the person who is teleworking.

**Hospital.** An establishment which has an organized medical staff and provides equipment and services primarily for inpatient care to persons who require definitive diagnosis or treatment, or both, for injury, illness, pregnancy, or other disability, but not including narcotics addiction or those found to be criminally insane.

**Hot Tub.** A large tub or small pool filled with aerated water used for hydrotherapy, relaxation, or pleasure, having or not having massaging jets, and for which all controls, water heating, and water circulating equipment are an integral part of the product, and is inclusive of Spas, Jacuzzis, Whirlpools, or any other nomenclature that is considered the same. A Hot Tub shall not exceed one hundred (100) square feet in total water surface area.

### Section 3.09 “I” Terms

**Impervious Surface.** Surfaces or elements on a site that prevent stormwater from immediately reaching soil beneath it, including but not limited to: buildings; parking areas; driveways; streets; sidewalks; pavers; and areas of concrete, asphalt, or other sealed surfaces.

**Indoor Storage Facility.** See Storage Facility, Indoor.

**Industrial, Heavy.** Manufacturing of products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials. This classification includes operations such as biomass energy conversion; food and beverage processing; textile mills; production apparel manufacturing; photographic processing plants; leather and allied product manufacturing; wood product manufacturing; paper manufacturing; chemical manufacturing; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing; primary metal manufacturing; fabricated metal product manufacturing; recycling materials processing facilities in which post-consumer materials are sorted, condensed, baled, or transformed; and automotive, ship, aircraft, and heavy equipment manufacturing.

**Industrial, Light.** Establishments engaged in production or processing activities taking place primarily within enclosed buildings and producing minimal impacts on nearby properties. This classification includes operations such as manufacturing finished parts or products primarily from previously prepared materials; commercial laundries and dry cleaning plants; mobile home manufacturing; monument works; printing, engraving and publishing; computer and electronic product manufacturing; furniture and related product manufacturing; and industrial services.

**Integrated Solar Energy Systems.** A solar energy system that is incorporated into or replaces standard building materials and does not have mounting equipment. For example, these systems may include materials that replace traditional roofing, shingle, or siding materials, awnings, canopies, skylights, or windows.

### Section 3.10 “J” Terms

**JEDD.** Joint Economic Development District created pursuant to Ohio Revised Code Chapter 715.

### Section 3.11 “K” Terms

**Kennel.** Any household or establishment where dogs or cats, or any combination of cats and dogs are kept, bred, and/or boarded at any one time, for profit or compensation.

### Section 3.12 “L” Terms

**Landscape Strip.** An area which includes plantings of grass, ornamental shrubs, trees, or other ornamental ground cover that is intended to provide a visual separation between different uses, including, but not limited to, parking areas, buildings, and sidewalks.

**Landscaping Island.** An area of pervious surface within an off-street parking lot that is intended for the placement of vegetation or stormwater run-off management devices.

**Library.** A public facility for the use of literary, musical, artistic, or reference materials. Such an establishment may include incidental sale of books and related materials.

**Light Fixture, Full Cut-Off.** An outdoor lighting fixture that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest light-emitting part of the fixture.

**Lot.** A Parcel of land that is occupied by or is able to be occupied by a building or group of buildings and accessory buildings together with such yards and area as required by this Zoning Resolution and having its principal frontage upon a public street, or upon a pedestrian right-of-way in a townhouse development.

- (1) **Lot, Corner.** A lot situated at the intersection of two or more streets, having an angle of intersection of not more than 135 degrees.
- (2) **Lot, Interior.** A lot other than a corner lot or a through lot; also called a side lot line.
- (3) **Lot, Through.** A lot, other than a corner lot, having frontage on two or more streets.

**Lot Area.** The total horizontal surface area within the boundary lines of a lot.

**Lot Depth.** The horizontal distance between the Front Lot Line and the Rear Lot Line, measured along the median between the two side lot lines.

**Lot Line.** A line bounding or demarcating a plot of land or ground.

- (1) **Lot Line, Front.** A Lot Line that abuts a non-Alley vehicular right-of-way. Corner Lots and Through Lots have more than one front lot line.
- (2) **Lot Line, Internal.** A Lot Line that is interior to the Lot and does not abut a public right-of way.
- (3) **Lot Line, Rear.** The Lot Line that is opposite and most distant from the subject property's Front Lot Line. Where a property has more than one Front Lot Line, the rear lot line is the Lot Line opposite and most distant from the lowest-classified road abutting the subject property, as determined by the Zoning Inspector.
- (4) **Lot Line, Side.** Any Lot Lines other than a subject property's Rear Lot Line or Front Lot Line(s).

**Lot Width.** The horizontal distance between the side lot lines, as measured along a line parallel with the front street line. For a corner lot, then the distance between the right-of-way line for the lower classified road and the side lot line.

**Lot Size.** The computed area contained within the lot lines.

### Section 3.13 "M" Terms

**Manufactured Home.** Per Ohio Revised Code [section 3781.06\(C\)\(4\)](#), as may be amended: a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying

compliance with all applicable federal construction and safety standards. Mobile Home is defined separately.

**Marijuana Dispensary.** A medical or adult use retail operation with a certificate to operate a dispensary under Ohio Revised Code Chapter 3796 or Ohio Revised Code Chapter 3780.

**Marijuana Facility.** A medical marijuana cultivator or processor licensed under Ohio Revised Code Chapter 3796, or an adult use marijuana cultivator or processor licensed under Ohio Revised Code 3780. This definition shall not include retail dispensaries licensed under Ohio Revised Code Chapter 3796 or Ohio Revised Code Chapter 3780.

**Massage and Physical Therapy.** An establishment that provides therapeutic or medical massage of a non-sexual nature provided by a licensed practitioner.

**Microbrewery or Microdistillery.** An establishment where alcoholic beverages are manufactured, and where such beverages may be consumed on-premises. The term may include a bar or tavern use or a restaurant use when such uses are operated in conjunction with the manufacturing of alcoholic beverages. This term applies only to the manufacturing capacity of 20,000 barrels per year or less.

**Mixed-Use Building.** A building within a Mixed-Use Development that contains a mix of residential and commercial uses, such as retail, office or entertainment uses.

**Mixed-Use Development.** Development that includes a mixture of residential and nonresidential use types such as retail, office, entertainment and various types of residential units. Mixed-use development may include Mixed Use Buildings integrated in a pedestrian friendly manner to create a walkable community. A minimum of 20% of the gross floor area of all buildings within a Mixed-Use Development must be dedicated to non-residential use. Recreational areas, clubhouses, or other amenities ancillary to residential use shall not count towards this requirement.

**Mobile Home.** Per Ohio Revised Code [section 4501.01\(O\)](#), as may be amended: a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five body feet in length or, when erected on site, is three hundred twenty or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a “Manufactured Home” as defined in division (C)(4) of [section 3781.06](#) of the Ohio Revised Code, as may be amended, or as an “industrialized unit” as defined in division (C)(3) of [section 3781.06](#) of the Ohio Revised Code, as may be amended.

**Model Home.** A dwelling that is fully furnished but that is not occupied for residential purposes until after the majority of the properties within a residential subdivision are improved with dwellings. Model homes typically showcase a variety of finishes and features that are open for viewing by the public and staff by a sales representative.

**Modillion.** An ornamental block under the projection of a cornice.

**Motorcycle Sales and Service.** An establishment for the storage and displays for sale of more than two motorcycles, associated parts, and associated retail merchandise. Such a use may include repair or body work that is incidental to the operation of the new or used motorcycle sales.

**Multi-Use Path/Trail.** A path other than a Sidewalk that is designed for multiple non-motorized modes of travel including but not limited to cycling, walking, and skating. A multi-use path/trail may be located within a right-of-way (such as alongside a curb) or outside of a right-of-way (such as within a park).

### Section 3.14 “N” Terms

**New Community Authority.** A body corporate and politic in the State of Ohio, established pursuant to Section 349.03 of the Ohio Revised Code.

**Nonconforming Use.** A use which lawfully occupied a building, structure, or land prior to the adoption of an application resolution, code, or ordinance to which the use does not conform.



### Section 3.15 “O” Terms

**ODOT.** The Ohio Department of Transportation.

**Off-Site Parking.** Off-street parking that serves a particular use without being on the same lot of the use it serves.

**Offices, Business and Professional.** A building containing the office or offices of a business or businesses engaged in providing professional services, including, but not limited to, the following: accounting; auditing and bookkeeping services; advertising agencies; architectural, engineering, planning, and surveying services; attorneys; counseling services; court reporting services; data processing and computer services; detective agencies and similar services; educational, scientific, and research organizations; employment, stenographic, secretarial, and word processing services; government offices including agency and administrative office facilities; management, public relations, and consulting services; medical, dental, and optical offices; photography and commercial art studios; writers and artists offices outside the home. This use does not include private art studios or offices that are incidental and accessory to another business or retail sales activity within the same building.

**Open Space.** Land and/or water area which has been specifically designed or set aside for conservation, place-making or recreational purposes. Such open space may include any required central green space utilized for a gathering place for the community.

**Outdoor Sales and Display.** The display of merchandise for immediate sale to the public. Display merchandise shall be located behind the building setback lines and shall not be located on required parking spaces.

**Outdoor Storage Facility.** See Storage Facility, Outdoor.

**Overnight Lodging, Bed and Breakfast.** A detached residential dwelling where lodging and breakfast only are provided to transient guests for compensation in accordance with specific development standards and where the owner or operator permanently resides on the property.

**Overnight Lodging, Boutique Hotel.** A small-scale hotel in a historic structure, or a structure with a façade made of a high-quality material such as wood, brick, masonry, tile, stone, granite, limestone, or another natural material, that has fewer than 30 rooms accessed from an interior hallway.

**Overnight Lodging, Hotel or Motel.** Any structure consisting of one or more buildings containing any combination of more than five guestrooms that meet the requirements for transient sleeping rooms (for a stay of thirty days or less) or extended stay temporary residence dwelling units (for a minimum stay of more than thirty days) where all rooms/units are accessed from an interior hallway, or as having features of such sleeping rooms and dwelling units within the same room, and such structure is specifically constructed, kept, used, maintained, advertised, and held out to the public to be a place where transient sleeping accommodations or temporary residence is offered for pay to persons, but such structure does not otherwise meet the definition of Overnight Lodging, Bed and Breakfast, and does not include agricultural labor camps, apartment houses, apartments or other similar places of permanent personal residence, lodging houses, rooming houses, or hospital or college dormitories.

**Overnight Lodging, Transient Hotel.** Any structure consisting of one or more buildings, with more than five sleeping rooms, that is specifically constructed, kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered for pay to transient guests for a period of thirty days or less, including, but not limited to, such a structure denoted as a hotel, motel, motor hotel, lodge, motor lodge, bed and breakfast, or inn. While a Hotel may include extended stay temporary residence dwelling units for a minimum stay of more than thirty days, a Transient Hotel shall only include transient sleeping rooms for a stay of thirty days or less.

### Section 3.16 "P" Terms

**Parcel.** Any individually identifiable tract of land recorded in the office of the county recorder.

**Park.** A use of property for outdoor recreation that is open to the public on a non-commercial basis. Such a use may include property owned by non-profit entities that provide outdoor recreation which is open to the public.

**Parking Aisle.** The traveled path through an off-street parking or facility between one or two rows of parked vehicles.

**Parking Area.** The portion(s) of a property used for – or constructed in such a manner to allow for – the storage of motor vehicles. This definition includes Automobile Parking Spaces, Parking Aisles, Drive Aisles, and Drive Throughs. This definition excludes Private Garages.

**Parking Bay.** A row of parking spaces typically separated by a parking island or some other feature used to break up large spans of asphalt used for the parking surface.

**Parking Space, Automobile.** Space within a building or a private or public parking area for the parking of one automobile.

**Patio.** A surfaced, court-like area at ground level outside the main wall of a building, which may or may not have an overhead barrier or overhang to protect from sun and precipitation.

**Pedestrian Pathway.** Interconnected paved walkways that provide a pedestrian passage through blocks running from street to street, vehicular use areas, or other locations.

**Permanent Supportive Housing.** Community-based, long-term housing and supportive services, as appropriate, for individuals with disabilities.

**Personal Services.** An establishment that provides non-medical services including, but not limited to, beauty salons, barber shops and tanning salons by licensed professionals. Such an establishment may also include accessory retail sales of products related to the services provided.

**Pilaster.** A column, which may be square, round, or rectangular, that is embedded into the wall of a building.

**Porch.** An unheated, open or partially enclosed area outside an exterior wall of a building and covered by a roof which may be attached to a side wall or common with the main roof of the building and is used for purposes other than the sheltering of motor vehicles.

**Portable Storage Unit or Portable Storage Container.** A container that may be used to transport goods, but may also be stationary on a single site for a period of time before or after transport. The term includes, but is not limited to a: truck container, with or without the chassis attached; moving van; portable moving container; pre-assembled storage structure; shipping container; trailer that is moved through attachment to a trailer hitch.

**Primary Entrance.** The place of ingress and egress to a building, parcel, or development used most frequently by the public.

**Primary Use.** The main use or uses operated on a property or located within a building, or within a portion of a building, not including accessory uses.

**Principal Street.** The street that a lot has frontage along. Where a lot has frontage along two or more streets, such as a Through Lot or a Corner Lot, the principal street shall be the street with the highest designation of traffic capacity as determined by the Delaware County Thoroughfare Plan. If two or more streets have the same designation, the principal street shall be the street with the greatest number of individual lots fronting the street within the same block as the subject property. The Zoning Commission shall make this determination in the case of a proposed street.

**Principal Structure.** A building in which the main or principal use of the lot is conducted.

**Private Club.** A public, commercial, or non-profit establishment that provides membership for the participation in, or use of, shared space, programming, or social activities, and may not include any form of adult entertainment business or retail sales.

**Private Garage.** A detached accessory building or a portion of the principal building used for the storage of four or fewer automobiles or trailers by the owner(s) or tenant(s) of the lot or by persons other than the owner(s) or tenant(s) of the lot by lease agreement with the owner(s) or tenant(s) of the lot. A Private Garage shall only be permitted as an Accessory Use, and shall not be permitted as a Primary Use of a property.

**Private Parking Lot.** A parking area on the surface of a lot which is the principal use on the lot and which is operated by a private entity, whether for profit or not, for use by the owners or tenants of the lot and their invited guests and/or the general public.

**Public Parking Garage.** An open or enclosed facility for temporary off-street parking of five or more motor vehicles, located on publicly or privately owned property.

**Public Parking Lot.** A parking area on the surface of a lot which is the principal use on the lot and which is operated by a public entity, whether for profit or not, for use by the owners or tenants of the lot and their invited guests and/or the general public.

**Public Safety Facility.** A government facility for public safety and emergency services, including a facility that provides police, fire protection, and/or emergency medical services and related administrative and training facilities.

**Public Utility Building.** Any administrative, maintenance or service building operated by a public utility or any transmission facility of a public utility which does not meet the definition of an “essential service.”

### Section 3.17 “Q” Terms

**Quoin.** A stone, wood, or metal block that emphasizes exterior wall corners on a building.

### Section 3.18 “R” Terms

**Recreational Vehicle Sales and Service.** A structure and associated lot where the sale and/or service of recreational vehicles occurs.

**Religious Assembly.** A use located in a permanent building and providing regular organized religious worship and related incidental activities.

**Research/Laboratory Facility.** A building or group of buildings for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products.

**Residential Use, 1-2 Unit.** A use of a property for one to two dwelling units, other than accessory dwelling units, and which share a common wall or roof, provided that an attached one-unit dwelling has a separate and distinct entrance from the unit with which it shares a common wall or roof.

**Residential Use, 2-5 Units.** A use of a property for two to five dwelling units, other than accessory dwelling units, and which share common walls or a roof. Individual dwelling units may or may not have separate and distinct entrances from each other.

**Residential Use, 6+ Units.** A use of a property for six or more dwelling units, other than accessory dwelling units, and which share common walls or a roof. Individual dwelling units may or may not have separate and distinct entrances from each other.

**Restaurant, Full Service.** A food service establishment which may include incidental alcohol consumption whereby servers bring food and beverages that are prepared in a kitchen or at a bar on-site, which may have a liquor license issued by the State of Ohio.

**Restaurant, Limited Service.** A self-service food service establishment which may include incidental alcohol consumption whereby meals are served at a faster rate than a full-service restaurant and food offerings are more extensive in variety than a fast-food restaurant, which may have a liquor license issued by the State of Ohio.

**Restaurant, Quick Service.** A food service establishment devoted to the preparation and offering of food and beverage for sale to the public for consumption via a

counter or drive-through on or off the premises generally in disposable containers, and which offers standardized menus, ingredients, food preparation, décor, uniforms, architecture, or similar standardized features.

**Retail Gasoline and Convenience Store.** A facility associated with the sale of gasoline products or electric vehicle charging facilities that also offers for sale prepackaged food items and tangible consumer goods, primarily for self- service by the consumer, which may include the sale of hot beverages, fountain-type beverages, beer, wine, and pastries, and shall not have a retail liquor license other than for the sale of beer and wine.

**Retail Store, Large (Over 50,000 GFA).** A commercial establishment over 50,000 GFA selling consumer goods, clothing, and other dry goods.

**Retail Store, Medium (5,000 – 50,000 GFA).** A commercial establishment between 5,000 and 50,000 GFA selling consumer goods, clothing, and other dry goods.

**Retail Store, Small (Under 5,000 GFA).** A commercial establishment under 5,000 GFA selling consumer goods, clothing, and other dry goods.

**Right-of-Way, Public.** A strip of land occupied or intended to be occupied by transportation facilities, public utilities, street drainage ditches or other special public uses.

**Road, Arterial.** A general term denoting a highway primarily for through traffic usually on a continuous route. This facility provides for through traffic, movement between areas, across the county, and to and from expressways. An arterial also provides access to abutting property, but parking and loading may be restricted to improve the capacity of moving traffic.

**Road, Collector.** A street providing traffic movement between the major arterials and local streets, and direct access to abutting property. This facility provides for the internal traffic movement within an area of the county.

**Road, Local.** A street with a primary purpose of providing access to individual lots. Local roads typically connect to collector roads.

**Rooftop Solar Energy Systems.** A solar energy system that is mounted to a structure or building's roof on racks.

### Section 3.19 "S" Terms

**Sales Trailer.** A temporary non-residential structure for the purposes of selling or renting dwelling units or lots on residentially zoned property.

**School, College/University.** A post-secondary institution, licensed by the State of Ohio, for higher learning that grants associate or bachelor's degrees and may also have research facilities and/or professional schools that grant master and doctoral degrees, which may also include community colleges that grant associate or bachelor's degrees or certificates of completion in business or technical fields.

**School, Primary.** A place of instruction operated by a public, private, or religious organization, having regular sessions, with regularly employed instructors and meeting all of the requirements of the Ohio Department of Education for providing primary education. Such a use may include a pre-school facility.

**School, Secondary.** A place of instruction operated by a public, private, or religious organization, having regular sessions, with regularly employed instructors and meeting all of the requirements of the Ohio Department of Education for providing secondary education.

**Senior Independent Living Facility.** A housing arrangement designed exclusively for older adults, generally those aged 55 and over, whereby some facilities or services may be shared, however, residents have independent living quarters.

**Setback.** The distance between a structure and a Lot Line or right-of-way.

- (1) **Setback, Front.** The smallest distance between a structure and any associated Front Lot Line.
- (2) **Setback, Rear.** The smallest distance between a structure and any associated Rear Lot Line.



- (3) **Setback, Side.** The smallest distance between a structure and any associated Side Lot Line.

**Short-Term Rental.** A living space that is made available for rent for a period ranging from as short as one day and up to 30 days, regardless of whether amenities, including meals, daily housekeeping, concierge services, or linen services, are provided. This definition excludes Bed and Breakfast, Boutique Hotel, and Hotel or Motel.

**Sidewalk.** A flat, hardscaped path designed for pedestrians to walk on and wheelchairs to roll across. Sidewalks may be located within a right-of-way or on privately owned property along a right-of-way. See also Multi-Use Path/Trail.

**Sight Triangle.** See Vision Triangle.

**Sign.** Any words, numerals, figures, devices, designs or trademarks by which anything is made known, such as are used to designate an individual, a firm, profession, business, or a commodity and which are visible from any right-of-way. This definition shall not include temporary merchandise signs displayed inside of a building.

- (1) **Sign, A-Frame or T-Frame.** A single or double-faced, hinged or un-hinged, temporary sign designed to be used on a sidewalk or pedestrian way.
- (2) **Sign, Animated.** A sign with action or motion, flashing, color changes requiring electrical energy, electronic or manufactured sources of supply, and/or revolving or changeable message signs, but not including wind actuated elements.
- (3) **Sign, Awning.** Any sign painted on, or applied directly to, an awning. Lettering, logos, or symbols are permitted on the valance and sloping portion.
- (4) **Sign, Banner.** A sign with or without characters, letters, illustrations, or ornamentations applied to flexible material.

- (5) **Sign, Building.** A sign permanently affixed to a building, or a projection from a building, including a canopy sign, awning sign, wall sign, roof sign, projecting sign, window sign, or marquee sign.
- (6) **Sign, Building Entrance Wall.** A sign that is located on a wall immediately adjacent to the entrance of a building.
- (7) **Sign, Bulletin Board.** A surface designed for the easy affixing of posters, letters, or other advertisements but does not contain any text or message.
- (8) **Sign, Canopy.** Any sign that is part of or attached to a canopy.
- (9) **Sign, Electronic Message Center (EMC).** Any sign or portion of a sign that uses changing lights to form a sign message or messages in text form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.
- (10) **Sign, Entrance Wall Banner.** An impermanent sign erected at the entrance to a residential common development which may be affixed to a common development wall sign. These signs may not be erected at the entrances to individual residences.
- (11) **Sign, Flag.** A fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.
- (12) **Sign, Freestanding.** A category of signs that are principally supported by a structure affixed to the ground by a base, and not supported by a building, columns, pole, or braces placed in or on the ground. This category of signs includes Monument Sign, and other signs which meet this definition.
- (13) **Sign, Freestanding Hanging.** A sign that is not attached to a building and that hangs from a support structure that is attached to the ground. This definition is separate from a Projecting ("Blade") Sign.
- (14) **Sign, Marquee.** A multisided overhead structure or architectural projections supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional

points. 'Marquee sign' means a sign that is attached, mounted to, or made a part of a marquee.

- (15) **Sign, Menu.** A freestanding sign oriented to a drive-through lane for a restaurant that advertises the menu items available from a drive-through window has not more than 20% of the total area for such a sign utilized for business identification.
- (16) **Sign, Monument.** A sign that is attached to a permanent foundation or fastened to a base and not attached to or dependent upon any building, visible pole, visible post, or similar support. Such a sign is also known as a ground-mounted sign.
- (17) **Sign, Painted Wall Mural.** A large picture/image (including but not limited to painted art) which is painted, constructed, or affixed directly onto a vertical building wall, which may or may not contain text, logos, and/or symbols.
- (18) **Sign, Patio Umbrella.** Any lettering or symbol that is printed, painted, or affixed to a table or patio umbrella.
- (19) **Sign, Pennant.** A sign constructed of flexible or lightweight material that is suspended from a string, wire, or similar device, and that may be designed to move in the wind.
- (20) **Sign, Pole.** A sign principally affixed to the ground by a base supported by one or more post, pole, column, or brace placed in or on the ground.
- (21) **Sign, Projecting.** Any sign which projects outward from a building or other structure and extends more than 24 inches horizontally from the plane of the building wall. The signage area must not be parallel to the building. This definition may also include blade signs.
- (22) **Sign, Roof.** A sign attached to or supported by the roof of a multi-story building, or a sign that extends into and/or above the immediately adjacent roof line of the building irrespective of attachment point, or a sign that wholly or partially encroaches upon any roof line of a building, or a sign attached to,

encroaching into or extending above the sloping phase of a mansard roof or faux mansard roof, or any combination thereof.

- (23) **Sign, Temporary.** A display, banner, or type of sign constructed of cloth, canvas, fabric, wood, or other temporary material, with or without a structural frame, including but not limited to portable signs, political signs, development signs, community event signs, garage sale signs, real estate signs, sandwich type signs, sidewalk or curb signs.
- (24) **Sign, Wall.** Any sign attached parallel/flat to a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.
- (25) **Sign, Wayfinding.** Signs that facilitate the movement of traffic throughout the development.
- (26) **Sign, Window and Door.** Any sign that is placed on or in the panes of glass of a window opening or door that is either inside or outside of a building that contains a non-residential use and is oriented to be viewed from the exterior of the structure. Customary displays of merchandise behind a store window are not considered window signs.
- (27) **Sign, Yard.** A type of non-permanent sign that is located on private property that can be displayed for a limited duration of time.

**Skilled Care Facility.** A residential facility wherein residents require procedures or care that require technical skills and knowledge beyond those the untrained person possesses and that are commonly employed in providing for the physical, mental, and emotional needs of the ill or otherwise incapacitated. This term includes nursing homes, hospices, or convalescent homes.

**Small Solar Facility.** A Solar Energy System and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than fifty (50) megawatts.

**Solar Energy.** Radiant energy (direct, diffused, or reflected) received from the sun that can be collected and converted into thermal or electrical energy.

**Solar Energy System.** A system and associated facilities that collect Solar Energy, which may include, but is not limited to, an Integrated Solar Energy System, Rooftop Solar Energy System, or Ground Mounted Solar Energy System.

**Standalone Drive-Through Facility.** A facility where a service is rendered or a sales transaction is made while the patron is typically not required to exit his/her vehicle, which is not associated with any option for walk-in service, including, but not limited to, drive throughs for banks, restaurants, or other similar uses; drive-in restaurants, automated teller machines (ATMs), and drive-in movie theaters.

**Standalone Emergency Facility.** An emergency room facility that accepts patients by ambulance and other vehicular means and provides emergency medical services and is not contained within or physically connected to a full-service hospital.

**Stoop.** A platform typically, but not necessarily, constructed of concrete and/or masonry, and utilized primarily as an access to a building.

**Storage Facility, Indoor.** A personal storage building that is subdivided by permanent partitions into individual spaces, which are typically available for lease to the general public, and which is used for storage of personal belongings and other goods. Such a use shall not include outdoor storage of recreational vehicles. This definition may include self-storage facilities or mini-warehouses.

**Storage Facility, Outdoor.** A commercial facility that typically stores any material for a period greater than 24 hours, including items for sale, lease, processing, and repair (including vehicles) not in an enclosed building.

**Story.** That portion of a building included between the surface of any floor and the surface of the next floor directly above it, or if there is no floor above it, then the space between such floor and ceiling next above it.

**Street Frontage.** The entire width of a Front Lot Line.

**Structure.** Anything constructed or erected, with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, and billboards. For the purposes of this Zoning Resolution, fences are not considered structures.

**Studio Unit.** A dwelling unit that combines a number of different types of rooms, such as living room, bedroom and kitchen, into a single room.

**Swimming Pool.** A receptacle for water, or artificial basin of water, either above ground, below ground, or partly above and partly below ground, and intended for use by persons for the purpose of immersion, partial immersion, or swimming, and including all appurtenant equipment.

### Section 3.20 “T” Terms

**Telecommunications Facility.** Telecommunications antennas and associated equipment that may or may not include a tower, dish or other supporting structure, designed to send and receive data signals.

**Telecommunications Tower.** Per Ohio Revised Code section 519.211(B)(1), as may be amended: any freestanding structure, or any structure to be attached to a building or other structure, that meets all of the following criteria:

- (1) The free-standing or attached structure is proposed to be owned or principally used by a public utility engaged in the provision of telecommunications services.
- (2) The free-standing or attached structure is proposed to be located in the unincorporated area of the township, in an area zoned for residential use.
- (3) The free-standing structure is proposed to have a finished height that is greater than either the maximum allowable height of residential structures within the zoned area as set forth in this Resolution, or the maximum allowable height of such a free-standing structure as set forth in this Resolution; or the attached structure is proposed to have a finished height that is greater than either the height of the building or other structure to which

it is to be attached, or the maximum allowable height of such an attached structure as set forth in this Resolution.

- (4) The free-standing or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.

**Temporary Event.** An event of limited duration that requires the erection of a road closure, impermanent barriers, structures, stages, or artwork. Such an event may include a farmers market, a block party, and/or the provision of Food Trucks.

**Terrace.** A surfaced, court-like area outside the main wall of a building, raised above the adjoining ground either by earth with sloping sides or an independent foundation.

**Theater.** A public, private, or non-profit indoor or outdoor theater or stage used for theatrical, musical, film, or artistic live productions attended by an audience.

**Thoroughfare Plan.** An official document as adopted and as amended from time to time by the Delaware County Engineer or ODOT establishing the general location and official right-of-way widths of the major and secondary highways and thoroughfares.

**Tract.** The entire area included within a proposed development, which may include one or more parcels or lots.

**Transitional Dwelling.** Housing and supportive services provided to homeless individuals and families, for no longer than twenty-four months, to enable them to obtain and maintain independent, permanent housing.

**Tree Canopy or Tree Cover.** All areas of coverage by plant material exceeding five feet in height.

### Section 3.21 "U" Terms

**Urgent Care.** A medical facility, other than a hospital or clinic, where medical, mental health, and other personal health services are provided on an outpatient basis from on-site staff on an as-needed basis. Such clinics differ from medical or

dental offices in that doctors do not treat patients on a long-term, repeat basis but instead, treat short-term illnesses or medical issues.

**Use.** The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

**Utility Generation Facility.** A facility that converts one or more energy sources, including but not limited to water power, wind power, fossil fuels, nuclear power, or solar power, into electrical energy or steam, which may also perform either or both of the following functions: (a) operation of a transmission system that conveys the energy or steam from the generation facility to a power distribution system; (b) operation of a distribution system that conveys energy or steam from the generation facility or the transmission system to final consumers.

### Section 3.22 “V” Terms

**Vehicle Repair Garage, Heavy Vehicles.** The replacement of any part or repair of any part that does not require removal of the engine head or pan, engine transmission or differential, incidental body and fender work, minor painting and upholstering service to automobiles and trucks in excess of 10,000 pounds gross weight.

**Vehicle Repair Garage, Light Vehicles.** The replacement of any part or repair of any part that does not require removal of the engine head or pan, engine transmission or differential, incidental body and fender work, minor painting and upholstering service to automobiles and trucks not in excess of 10,000 pounds gross weight.

**Vehicle Sales and Service.** An establishment for the storage and displays for sale of more than two passenger vehicles and where repair or body work is incidental to the operation of the new or used vehicle sales, which include motor vehicle retail or wholesale sales.

**Vision Triangle.** The theoretical triangle at an intersection which must be clear from obstructions to allow clear views between vehicles, bicyclists, and/or pedestrians.



### Section 3.23 “W” Terms

**Walk-Up/Bike-Up Window.** A business or portion of a business that engages in retail sales partially or fully via window stall that is accessible only to persons on foot or bicycle on a paved path as opposed to a drive lane or stacking lane. Such a use may include the sale of food and beverages.

**Wall.** A continuous vertical brick or stone structure that encloses or divides an area of land.

**Warehousing and Logistics.** An enclosed storage facility which is used to store goods or parts, or for any part of the shipping process.

**Water table.** A horizontal projecting stringcourse, molding, or ledge on the lower exterior wall of a building.

**Wholesale Sales.** An establishment engaged in selling merchandise to retailers, contractors, or other users, typically in bulk; the gross floor area of the building is often devoted to warehousing for distribution of material or items displayed in a showroom.

### Section 3.24 “X” Terms

[Reserved]

### Section 3.25 “Y” Terms

**Yard.** An open space on the same lot with a principal building or group of principal buildings, which open space lies between the building or outer building of a group and the nearest lot or street line.

- (1) **Yard, Front.** A yard extending across the full width of the Lot, between a Front Lot Line and the closest principal building on the subject property. Where a subject property is not improved with a principal building, the depth of the front yard is an average of the front yard depths of the two closest improved properties fronting along the same right-of-way, as determined by the Zoning Inspector. Where a subject property is not improved with a principal building, and there are no nearby improved properties as determined by the Zoning

Inspector, the depth of the front yard is the same as the required front setback. A Corner Lot may have more than one front yard.

- (2) **Yard, Rear.** A yard extending across the full width of the lot, between the principal building and the Rear Lot Line.
- (3) **Yard, Side.** The areas of yard that extend from the principal building to any Side Lot Lines and that are not considered a Front Yard or a Rear Yard.

### Section 3.26 “Z” Terms

**Zoning Inspector.** The person duly appointed and authorized by the Orange Township Board of Trustees to enforce this Zoning Resolution.

**Zoning Map.** The official zoning map for the Township, together with all amendments thereto.

## ARTICLE 4. Districts and Zones

### Section 4.01 Purpose and Establishment of Districts and Zones

- A. Purpose of districts and zones.** The specific purpose of each district and zone shall serve the regulatory basis for existing and future development within each district and zone in addition to the following:
- (1) This variety of districts is established to provide locations for the many uses needed within a healthy, equitable, walkable, sustainable, attractive, and dynamic community.
  - (2) Each district, in conjunction with other standards incorporated in this chapter, establishes allowable uses of property, separates incompatible use, and sets certain standards for use of land.
  - (3) This provides predictability and reasonable expectation in use of land within particular zoning designations and sites.
  - (4) The zoning provisions implement the community goals and objectives that are contained in the Township's adopted Comprehensive Plan.
  - (5) Zoning districts and the Zoning Map communicate the Township's expectation for land use in each particular district.
- B. Purpose of overlays, generally.** Overlays modify specified provisions of the underlying district zone. Except where expressly provided otherwise, the provisions of an overlay shall modify and supersede any separate conflicting provisions within this Zoning Resolution.
- C. Establishment and intent of each district and zone.** The districts and zones listed in Table 4.01-A - District and Zone Intent are hereby established for the unincorporated territory of Orange Township. Land within said areas shall be designated on the Zoning Map by the indicated symbols and for the specified intents.

*Table 4.01-A - District and Zone Intent*

Name of District/Zone and Symbol	Intent of District/Zone
<b>Commercial Corridor Zone (CC)</b>	The Commercial Corridor Zone (CC) provides for a wide variety of commercial uses and supportive congregational and institutional uses, among others, across existing and planned commercial corridors. Development standards accommodate auto-oriented development and provide flexibility for pedestrian-oriented development.
<b>Community Living Zone (CL)</b>	The Community Living Zone (CL) provides for multi-unit residential uses and a diversity of housing types with a mix of neighborhood amenities.
<b>Farm Residential (FR-1)</b>	The Farm Residential Zone (FR-1) provides for open space and agricultural uses within rural or agricultural areas while accommodating large-lot residential development. This zone provides for limited institutional and public uses in support of residential and agricultural uses.
<b>Flex Employment Zone (FE)</b>	The Flex Employment Zone (FE) provides for light industrial, research and development, tech, office, and commercial uses to provide maximum flexibility for a robust mix of employment uses and associated business amenities.
<b>Mixed-Use District (MU)</b>	The Mixed-Use District (MU) provides a range of commercial and residential uses with goals of facilitating vibrancy, accessibility, and flexibility. This district facilitates walkability through more granular development patterns.
<b>Neighborhood Commercial Zone (C-2)</b>	The Neighborhood Commercial Zone (C-2) provides the atmosphere and opportunities to develop small neighborhood shopping areas which are pleasant, safe, convenient to the neighborhood yet not designed to serve the public at large.
<b>Neighborhood Zone (N)</b>	The Neighborhood Zone (N) accommodates existing residential neighborhoods while providing flexibility for new home construction in a manner that is compatible with existing development patterns and the goals of the Township's Comprehensive Plan pertaining to housing.

Name of District/Zone and Symbol	Intent of District/Zone
<b>Planned Unit Development (PUD)</b>	The Planned Unit Development District (PUD) is established to provide flexibility for unique projects that promote the goals of the Comprehensive Plan, but that cannot be accomplished under a base zoning district, in addition to fostering orderly development that may incorporate a mixture of residential, commercial, and industrial uses at varying densities.

#### Section 4.02 Compliance with District and Zone Regulations

- A.** The regulations for each district and zone in this Resolution shall set minimum and maximum regulations, as applicable, and shall apply uniformly to each district or zone classification, type of structure, or land, except as hereinafter provided or as otherwise legally granted by the Zoning Commission or Township Trustees.
- B.** No building, structure or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations specified for the district in which it is located.
- C.** No yard or lot existing at the time of passage of this Resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Resolution shall meet at least the minimum requirements set forth herein.
- D.** Notwithstanding anything to the contrary contained herein, any single lot of record existing on the effective date of this ordinance shall comply with the yard dimension requirements in effect at the time such lot was platted and/or created

## ARTICLE 5. Use Standards

### Section 5.01 Purpose and Applicability

- A. Primary and accessory uses.** The standards of this article apply to a specified use whether it is a primary use or an accessory use, and whether it is permanent or temporary, unless otherwise expressly stated.
- B. Primary and accessory structures.** The standards of this article apply to a specified structure whether it is a primary structure or an accessory structure, and whether it is permanent or temporary, unless otherwise expressly stated.

### Section 5.02 General Permitted Uses and Interpretation

- A. Permitted and conditional uses.** Permitted Uses and Conditional Uses for each district and zone, are set forth within Table 5.02-A – Comprehensive Permitted and Conditional Uses. Permitted Uses shall include all Accessory Uses, as such term is defined within this Resolution, except as expressly set forth herein. Conditional Uses require the grant of a Conditional Use permit.
- B. Prohibited uses.** Uses that are not listed as permitted or conditional are prohibited from being established within the associated district or zone.

***New and unlisted uses.*** For a proposed use that is not clearly defined or categorized by this Resolution, the Zoning Inspector shall facilitate interpretations of such uses per the provisions of Section 5.13 - Substantially Similar Uses Table 5.02-A – Comprehensive Permitted and Conditional Uses

Table 5.02 A – Comprehensive Permitted and Conditional Uses

	Commercial Corridor	Neighborhood Commercial	Community Living Zone	Flex Employment Zone	Mixed-Use District	Neighborhood Zone	Farm Residential
Use Name (and Use Standards)	CC	C-2	CL	FE	MU	N	FR-1
<b>Accessory Dwelling Unit (ADU)</b>						○	○
<b>Adult Entertainment Business</b>				○			
<b>Advanced Manufacturing</b>	●			●			
<b>Agriculture</b>	●	●	●	●	●	●	●
<b>Antique Shop</b>	●	●		●	●		○
<b>Art Studio</b>	●	●	○	●	●	○	○
<b>Artisan Manufacturing</b>	●	●		●	●		
<b>Arts Center</b>	●	●		●	●		
<b>Assisted Living Facility</b>							
<b>Assisted Living Facility, Senior</b>	●		●		●		
<b>Beverage Sales, Liquor, Beer, or Wine Store</b>	●			●	●		
<b>Beverage, Brewing and Distilling</b>	○			●	○		
<b>Beverage, Distribution</b>	○			●			
<b>Beverage, Non-Alcoholic Production</b>	○			●	○		
<b>Car Wash</b>	○			●			
<b>Cemeteries</b>	●	●	●	●	○	●	●

<b>Clinic</b>	●		○	●	●	○	
<b>Use Name (and Use Standards)</b>	<b>CC</b>	<b>C-2</b>	<b>CL</b>	<b>FE</b>	<b>MU</b>	<b>N</b>	<b>FR-1</b>
<b>Clinic, Veterinary</b>	●	●		●	●		
<b>Collection and Recycling Facility</b>	●			●			○
<b>Commercial College</b>	●			●	●		
<b>Commercial Recreation – Indoor – Large</b>	●			●			
<b>Commercial Recreation – Indoor – Small</b>	●	●	○	●	●		
<b>Commercial Recreation – Outdoor – Large</b>	●			●			
<b>Commercial Recreation – Outdoor – Small</b>	●		○	●	●		
<b>Community Center</b>	●	●	○	●	●	○	○
<b>Community Garden</b>	●	●	●	●	●	●	●
<b>Concession Stand</b>	●			●	●		
<b>Construction-Related Structures</b>	●	●	●	●	●	●	●
<b>Data Center</b>				●			
<b>Day-Care Center</b>	●	●	○	●	●	○	
<b>Day-Care Home – Type A</b>			○		○	○	○
<b>Day-Care Home – Type B</b>			○		○	○	○
<b>Drive Through</b>	●			○			
<b>Drug, Alcohol, or Psychiatric Treatment Center</b>				○			
<b>Drugstore</b>	●	●	○	●	●		



Use Name (and Use Standards)	CC	C-2	CL	FE	MU	N	FR-1
Essential Communications Facility	●	●	●	●	●	●	●
Event Center	●	●	●	●	○	●	○
Financial Institution	●	●	●	●	●	●	●
Fitness Facility/Gym	●	●	○	●	●	●	○
Food Sales, Large Grocery	●	●	●	●	●	●	●
Food Sales, Small Grocery	●	●	○	●	●	○	●
Food Service, Commissary/Bakery	●	●	○	●	●	○	●
Food Service, Deli	●	●	○	●	●	○	●
Funeral Home	●	●	●	●	○	●	●
Garden Center	●	●	●	●	●	●	○
Government Administration	●	●	●	●	●	●	○
Ground Mounted Solar Energy System	○	●	●	●	●	●	○
Group Home	●	●	○	●	●	○	○
Heavy Industrial	●	●	●	○	●	●	●
Home-Based Business	●	●	●	●	●	●	●
Hospital	●	●	●	●	○	●	●
Integrated Solar Energy System	●	●	●	●	●	●	●
Kennel	●	●	●	●	●	●	○
Library	●	●	●	●	●	○	●
Light Industrial	●	●	●	●	●	●	●

Use Name (and Use Standards)	CC	C-2	CL	FE	MU	N	FR-1
Marijuana Facility							
Massage and Physical Therapy	●	●	○	●	●	○	
Microbrewery or Microdistillery	●			●	●		
Motorcycle Sales and Service	●			●			
Offices, Business and Professional	●	●	○	●	●	○	○
Overnight Lodging, Bed and Breakfast	●	●		●	●	○	○
Overnight Lodging, Boutique Hotel	●	●		●	●		
Overnight Lodging, Hotel or Motel	●			●	●		
Park	●	●	●	●	●	●	●
Permanent Supportive Housing			○		○	○	○
Personal Services	●	●	○	●	●	○	○
Private Club	●			●	●		
Private Garage	●	●	●	●	●	●	●
Private Parking Lot	●			●	●		
Public Parking Garage	●		○	●	○		
Public Parking Lot	●		●	●	●		●
Public Safety Facility	●		○	●	○	●	●
Public Utility Building	●	●	○	●	○	●	●
Recreational Vehicle Sales/Services	○			●			
Religious Assembly	●	●	○	●	●	○	○

Use Name (and Use Standards)	CC	C-2	CL	FE	MU	N	FR-1
Research/Laboratory Facility	●			●			
Residential (1-2 Units)			●		●	●	●
Residential (2-5 Units)			●		●	○	○
Residential (6+ Units)			●		●		
Restaurant – Full Service	●	●		●	●		
Restaurant – Limited Service	●	●		●	●	○	
Restaurant – Quick Service	●			●	○	○	
Retail Gasoline and Convenience	●			●			
Retail Store, Large – Over 50,000 GFA	●						
Retail Store, Medium – Over 4,000 GFA, Under 50,000 GFA	●	●		●	○		
Retail Store, Small – Under 4,000 GFA	●	●		●	●	○	○
Rooftop Solar Energy System	●	●	●	●	●	●	●
School – College/University	●	●		●			
School – Primary	●	●	●		●	●	●
School – Secondary	●	●	●		●	●	●
Senior Independent Living Facility	●		●		●		
Skilled Care Facility	●		●		●		
Small Solar Facility	○			●			○

Use Name (and Use Standards)	CC	C-2	CL	FE	MU	N	FR-1
Standalone Drive-Through Facility	●			●			
Standalone Emergency Facility	●			●			
Storage Facility, Indoor				●			
Storage Facility, Outdoor				●			
Swimming Pool	●	●	●	●	●	●	●
Theater	●			●	●		
Transitional Dwelling			○		○	○	○
Urgent Care	●			●	●		
Utility Generation Facility	●			●			○
Vehicle Repair Garage, Heavy Vehicles				○			
Vehicle Repair Garage, Light Vehicles	○			●			
Vehicle Sales and Service	○			●			
Walk-Up / Bike-Up Window	●	●		●	●		
Warehousing and Logistics	○			●			
Wholesale Sales	●			●			

### Section 5.03 Agriculture

- A. Exemption from zoning permits for certain sized properties.** No zoning permit or certificate of compliance shall be required for any use of land for agricultural purposes or the construction or use of buildings or structures incidental to the agricultural use on any tract of land that is five acres or greater in size.

**Agriculture regulation.** Agriculture shall be regulated as follows in any platted subdivision approved under Ohio Revised Code sections 711.05, 711.09, or 711.10, or in any area consisting of fifteen or more lots approved under Section 711.131 of the Ohio Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road:

Agriculture is prohibited on lots of one acre or less.

- (1) Buildings or structures incident to the use of land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres must conform to the setbacks, size and height requirements for the underlying zoning district. Subject to Subparagraph B 3) below, agriculture is permitted on lots greater than one (1) acre but not greater than five (5) acres.
- (2) Dairying and animal and poultry husbandry are permitted on lots greater than one (1) acre but not greater than five (5) acres until thirty-five (35%) percent of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under section 4503.06 of the Ohio Revised Code. After thirty-five (35%) percent of the lots are so developed, ongoing dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to section 519.19 of the Ohio Revised Code and Article 24 of this Resolution. Dairying, poultry and animal husbandry shall be prohibited on all lots within the subdivision after thirty five percent of the lots are so developed.

**B. Agritourism and Farm Markets.** Structures used primarily for agritourism or farm markets shall adhere to any and all provisions related to structure size, parking area size, set back building lines, and egress or ingress where such regulation is necessary to protect the public health and safety, according to the zoning district in which the structure is located.

### Section 5.04 Food Trucks

- A. Operating on private property.** Food trucks shall not be located within any required setback for buildings, required setback for parking areas, sight distance triangle, or bufferyard.

### Section 5.05 Garden Center

- A. Outdoor storage.** Outdoor storage of merchandise, tools, equipment, or any other materials associated with a garden center shall be screened from direct view from a public right-of-way or adjacent property per the permitted screening types and other applicable provisions of 0 Section 21.10 Screening Standards.

### Section 5.06 Home Occupations

- A. Intent.** The intent of this section is to permit certain commercial activities at a limited scale within residential dwellings or on residentially used properties that have no or minimal adverse impacts on surrounding residential areas.
- B. Classification by Zoning Inspector.** The Zoning Inspector is hereby authorized to classify and accordingly process proposed uses as minor home occupations, major home occupations, or prohibited home occupations based on the following criteria:
- (1) Location of the proposed use (in relation to a dwelling on the same property).
  - (2) Proposed physical changes to the property.
  - (3) Anticipated demand of visitors to the property, or lack thereof.
  - (4) Percentage of the floor area of the primary structure and the percentage of the floor area of other buildings on the property proposed to be used by the home occupation.
  - (5) Proposed and anticipated equipment and supplies that would be maintained on the property in association with the proposed use.

- (6) Level of noise, dust, vibration, glare, odors, and/or electrical interference from the operation of the proposed use.
- (7) Number of and primary residency of employees.

**C. Minor home occupations.** Minor home occupations are characterized as computer- and telephone-based businesses that have no or limited in-person customer or client traffic to the subject property. Further, minor home occupations:

- (1) Require an approved zoning permit as provided in Section 25.02 - Zoning Permits, Applications to be legally established.
- (2) Shall be staffed in-person, if there are in-person employees, only by individuals who maintain the subject property as their primary residence. This provision shall not be interpreted to prevent exclusively remote-based employees from supporting the operation of the home occupation.
- (3) Shall not generate more in-person traffic, including vehicular parking, than would be normally expected in a residential neighborhood. Additional off-street parking beyond minimum requirements for the primary residential use shall not be required.
- (4) Shall not involve the use of equipment or processes that create noise, vibration, glare, fumes, odors, or electrical interference detectable to the average person outside of the subject property.
- (5) Shall occupy less than 20% of the floor area of the primary structure on the same property and less than 20% of the total floor area of any accessory structures on the same property.

**D. Major home occupations.** Major home occupations are characterized as businesses that provide services to in-person customers or clients on a regular scheduled basis. Further, major home occupations:

- (1) Require an approved conditional use permit as provided in 011 - Section 28.11 Conditional Uses and Variances to be legally established.
- (2) Shall occupy less than 50% of the floor area of the primary structure on the same property and less than 50% of the total floor area of any accessory structures on the same property.
- (3) Shall be staffed in-person, if there are in-person employees, only by individuals who maintain the subject property as their primary residence, plus up to two (2) individuals who do not maintain the subject property as their primary residence. This provision shall not be interpreted to prevent exclusively remote-based employees from supporting the operation of the home occupation.
- (4) Shall not generate more in-person traffic, including vehicular parking, than would be normally expected in a residential neighborhood. Additional off-street parking beyond minimum requirements for the primary residential use may be required as a condition for approval of the conditional use and may follow the required minimum parking spaces for commercial uses as established in Table 21.13-A - Minimum and Maximum Parking Space Standards.
- (5) Shall not involve the use of equipment or processes that create noise, vibration, glare, fumes, odors, or electrical interference detectable to the average person outside of the subject property.

**E. Prohibited home occupations.** The following uses shall not be permitted to be established as Home Occupations under Section 5.06:

- (1) Automobile repair or related services

**F. Expansion of existing home occupations.** Any proposed expansion of an existing home occupation – including in terms of the occupied square footage, number of customers or clients, or number of



employees – shall require an approved zoning permit or an approved conditional use permit as applicable per the provisions of this Section.

**G. Permitted signage.** Signage for home occupations shall be permitted per the provisions of Article 22 – Signage.

**H. Voiding of Conditional Use Permit.** Major home occupations that receive an approved Conditional Use Permit from the Board of Zoning Appeals shall be voided upon sale or conveyance of the land or structure wherein the major home occupation is located, and the subsequent owner(s) or their agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals.

### Section 5.07 Mobile Homes

**A. Association with farm or development plan required.** Mobile homes are prohibited from being constructed, installed, occupied, or otherwise used within the Township except in the following circumstances:

- (1)** In association with an agricultural use.
- (2)** As specified in an approved development plan through a planned unit development.
- (3)** Within the Farm Residential (FR-1) district.

**B. Maximum number of mobile homes on farms.** Where permitted as part of a legally established farm use, there shall be a maximum of one mobile home on the same property as the farm use.

### Section 5.08 Private Garages

**A. Placement in relation to primary structure.**

- (1) Vehicular garage doors that face a non-alley public right-of-way shall be setback from the public right-of-way no closer than a pedestrian door on the same facing elevation of the primary structure on the property.
  - (2) If a similar-facing elevation of the primary structure does not include a pedestrian door, then the vehicular garage door shall be setback from the public right-of-way no closer than the wall of the similar-facing elevation – excluding any unenclosed porches or decks.
- B. Limited as an accessory use and accessory structure.** Private non-commercial garages are prohibited from being the primary use of a property and/or the primary structure on a property.
- C. Restrictions on width.** Vehicular garage doors that face a non-alley public right-of-way shall be no wider than 50% of the width of the similar-facing elevation of the primary structure, as measured across a line that is parallel to the public right-of-way.
- D. Home occupational use permitted.** Where permitted, private non-commercial garages may be used for a home occupation per the provisions of Section 5.06 - Home Occupations.
- E. Prohibited uses and activities.**
- (1) Private non-commercial garages shall not be used for servicing vehicles on a commercial basis.
  - (2) Any parts, supplies, and other indicia of vehicle repair, including, but not limited to, the vehicles under repair, shall be placed inside the private garage between the hours of 9:00 p.m. and 9:00 a.m., except for the limited purposes of ingress and egress.

## Section 5.09 Private Swimming Pools and Community or Club Swimming Pools

- A. Swimming pools regulated as accessory structures.**

- (1) In-ground and above-ground swimming pools shall be regulated as accessory structures and shall be subject to the provisions of Section 21.02 - Accessory Uses and Structures.
- (2) The outermost edges of a swimming pool shall be regulated as the building footprint.
- (3) Certain elements of pools may encroach into required setbacks per dimensional standards of certain zoning districts.
- (4) A swimming pool shall be considered occupiable when it is capable of holding water.
- (5) Above ground pools are only permitted in the Farm Residential (FR-1) District.

**B. Controlled access required.**

- (1) To prevent uncontrolled access from children or pets, all swimming pools or the property thereon shall be fully enclosed by a continuous fence, wall, building, or combination of these elements that is not less than four feet tall at any given point and maintained in good condition with a locking gate and/or door. Such a fence, wall, building, or combination thereof shall be installed and operational before a swimming pool is constructed and capable of retaining water. An auto-locking pool cover shall not be construed as sufficient to prevent uncontrolled access for the purposes of this provision.
- (2) Fences and walls used to provide controlled access to a swimming pool shall not incorporate horizontal elements that allow for climbing over the fence or wall into the enclosed area.
- (3) A swimming pool that is entirely within a secured building shall not require any additional fence or wall.
- (4) Inflatable and/or collapsible pools that do not meet the definition of a structure, as defined in this Resolution, are exempt from this requirement,

however, inflatable and/or collapsible pools that have a depth greater than 25 inches shall be covered when not in use to prevent uncontrolled access.

- (5) Hot tubs, as defined in this Resolution, are exempt from this requirement, provided that they do not exceed one 100 square feet in total water surface area.

**C. Minimum setbacks from specified public rights-of-way.** Swimming pools shall provide the minimum setbacks established in Table 5.09-A - Swimming Pool Setbacks from Public Rights-of-Way. Where a minimum setback required by a separate provision of this Zoning Resolution differs from the minimum requirements of Table 5.09-A - Swimming Pool Setbacks from Public Rights-of-Way, the greatest minimum setback shall apply.

*Table 5.09-A - Swimming Pool Setbacks from Public Rights-of-Way*

Public Right-of-Way	Minimum Required Setback
All Public Rights-of-Way (other than U.S. Route 23)	25 feet
U.S. Route 23	50 feet
<b>Table Notes:</b> [Reserved]	

**D. Front yard prohibited.** Swimming pools shall not be permitted within a front yard.

## Section 5.10 Adult Entertainment Establishments

**A. Authority.** As authorized by section 519.02 of the Ohio Revised Code, as may be amended, the board of township trustees hereby regulates in accordance with the Comprehensive Plan, the location, setback lines, and use – among other aspects – of buildings used for sexually oriented businesses. Such uses may also be referred to as adult entertainment establishments as defined collectively and individually both in this

Resolution and in section 2907.39 of the Ohio Revised Code, as may be amended.

**B. Minimum separation from certain uses.** Sexually oriented businesses and adult entertainment establishments shall not be permitted within 1000 feet of properties that are used for the following, as measured from the closest property line of each use:

- (1) A separate sexually oriented business and/or adult entertainment establishment.
- (2) Day care center.
- (3) Elementary, middle, or high school.
- (4) Library.
- (5) Park.
- (6) Playground.
- (7) Religious institution.
- (8) Residential district boundary.

**C. Limited and prohibited primary uses.**

- (1) Where permitted, a single building shall only have one sexually oriented business or adult entertainment establishment (e.g., an adult bookstore shall not be within the same building as an adult business).
- (2) An adult arcade is prohibited from operating on the same property as a business that sells non-adult material which does not qualify as obscene material as defined by the Ohio Revised Code Section 2907.01.
- (3) Sexually oriented businesses and/or adult entertainment establishments that involve sexual contact (as defined within Ohio Revised Code Section 2907.01) physical touching between employees of the business and

customers or clients – including non-therapeutic massage, lap dancing, and nude modeling – are prohibited within Orange Township.

**D. Restrictions on outdoor displays.**

- (1) Obscene material, as defined by the Ohio Revised Code Section 2907.01, shall not be displayed towards or viewable from any vantage point outside of the subject property.
- (2) Exterior signage shall not advertise or display sexual conduct, sexual activity, nudity, or material that is harmful to juveniles, all as those terms are defined with Ohio Revised Code Section 2907.01.

**E. Hours of operation.** No sexually oriented business or adult entertainment establishment shall operate between the hours of 11:00pm and 10:00am.

### Section 5.11 Telecommunications Towers and Facilities

- A. Telecommunications towers generally.** As provided for in Section 519.211 of the Ohio Revised Code, public utilities or other functionally equivalent providers may site a telecommunications tower in conformance with the requirements of this section.
  - B. Towers proposed within non-residential areas.** Public utilities or other functionally equivalent telecommunications providers may site a telecommunications tower as a permitted use in any zoning district except those expressly zoned for residential use. The areas zoned for residential use are deemed to be all land located within the Farm Residential, Neighborhood, Mixed Use, and Community Living Districts, as well as any residential component of an approved Planned District approved under Chapter 519.021
- (1) Local zoning authority shall not extend to the regulation of maintenance or use of such a tower or to any change or alteration that would not substantially

increase the tower's height.

- (2) The local zoning authority over proposed telecommunications towers shall apply only to a particular tower, only upon provision of a notice of objection to that particular tower. No blanket zoning authority exists over telecommunications towers in residential districts unless and until a written notice of objection has been timely filed.

**C. Towers Proposed Within Areas Zoned for Residential Use**

Telecommunications towers may be regulated in areas zoned for residential use upon receipt of an objection pursuant to the regulations of ORC 519.211(B)(2). The provisions of this Resolution concerning telecommunications towers are not intended to replace or modify ORC 519.211, but instead are intended only to incorporate ORC 519.211 and its terms into this Resolution.

- (1) Notice shall comply with ORC 519.211(B)(3), as amended.
- (2) Upon the timely receipt by the Board of Township Trustees of an objection to a proposed telecommunications tower, the Board shall proceed as provided in ORC 519.211(B)(4)(a), as amended.
- (3) Telecommunications towers shall be permitted as a use exempt from any local zoning authority in residential districts if no objections are timely filed as provided in ORC 519.211(B)(4)(b), as amended.

**D. Local Zoning Authority** If objections are timely filed for a proposed telecommunications tower in an area zoned for Residential Use, then the telecommunications tower shall be considered to be a permitted use subject to the following development standards. The utility provider or their assigns shall submit any necessary documentation to the Zoning Inspector that demonstrates compliance with the following development standards:

- (1) No telecommunications tower shall be permitted to be located in any platted subdivision approved under Sections 711.05, 711.09 or 711.10 of the Ohio Revised Code, or in any area consisting of fifteen (15) or more lots approved under Section 711.131 of the Ohio Revised Code that are contiguous to one another or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, when at least thirty-five percent (35%) of the lots within such subdivision or area are developed with at least one (1) dwelling unit.
- (2) The maximum height of a tower proposed for one (1) antenna facility for use by a single telecommunications provider in a residential area shall be 100 feet. The maximum height of a tower proposed for multiple antenna facilities for shared use by multiple telecommunications providers in a residential area shall be as follows:
  - (i) Towers proposed and designed to support the co-location of a total of two antenna facilities – 115 feet;
  - (ii) Towers proposed and designed to support the co-location of a total of three antenna facilities – 130 feet;
  - (iii) Towers proposed and designed to support the co-location of a total of four antenna facilities – 145 feet;
- (3) Tower height shall be the distance measured from the base of the tower, at grade, to the highest point on the tower, including any antenna. Grade shall be determined as the elevation of the natural or existing topography of the ground level prior to construction of the tower.
- (4) The tower base shall not be placed closer than the sum of height of the tower plus forty feet from any existing residential dwelling unit located on a lot contiguous to or directly across the street from the lot on which the tower is proposed to be constructed.



- (5) A tower base shall be located no closer to any lot line than the distance equal to the height plus 25% of the proposed tower. Any stabilization structures or guys shall be located no closer to any lot line than 50 feet.
- (6) The tower base shall be located no closer to any right-of-way than the front yard setback for a principal building provided for by the regulations for the zoning district.
- (7) Reasonable and safe access and circulation shall be provided to the tower. The location and design of the access drive and circulation areas shall be subject to review and comment in accordance with the provisions of the appropriate fire regulations.
- (8) Security fencing shall be provided to prevent uncontrolled access to the tower site. The tower shall be screened by an eight (8) foot high fence or barrier. A continuous evergreen hedge, trees or similar landscape materials of a size, type, area and design deemed appropriate by the Zoning Inspector shall be placed outside of and along the fence or barrier. Any solid fence or barrier shall contain no advertising, but may contain one small identification sign not to exceed three square feet in size. The storage of any equipment shall be contained inside the screened area.
- (9) No advertising is permitted anywhere on the tower.
- (10) Where the tower is located on a lot which is not owned by the tower operator, the applicant shall present documentation that the owner of the property has approved the application.
- (11) The applicant shall provide a signed statement indicating that he or she agrees to allow for the potential co-location of other antenna facilities to the extent possible, until said tower has reached full antenna capacity.
- (12) A telecommunications antenna may be attached to a nonresidential building or structure that is permitted in the district, provided that the tower's height

does not exceed twenty (20) feet above the existing building or structure to which the tower is attached.

- (13) If the applicant proposes to construct a separate equipment shelter on the site, the equipment shelter shall be shown on the site plan, be designed to be aesthetically and architecturally compatible with the surrounding environment, be located completely within the fenced area of the site, and be in compliance with the applicable regulations for accessory buildings provided for by this Resolution.
- (14) A performance bond or letter of credit shall be posted in favor of the Township to assure that the project will be completed.
- (15) The applicant shall notify the Zoning Inspector within thirty (30) days of ceasing operations at the site and shall removal all structures within one hundred and twenty (120) of ceasing operations at the site.

#### Section 5.12 Temporary Structures and Trailers

- A. **Zoning permit required.** A zoning permit shall be required for the location and installation of temporary structures or trailers.
- B. **Zoning permit expiration.** A zoning permit approved for this type of use shall be valid for six (6) months and may be renewed at the discretion of the Zoning Inspector upon physical evidence of continued progress toward the completion of the associated construction activities.
- C. **Association with construction activities.** Temporary non-residential structures such as construction trailers may be permitted for active construction activities on the same property or on an abutting, adjacent, or nearby property.
- D. **Association with sales activities.** Temporary non-residential structures such as trailers may be permitted for the purposes of

conducting sales or leasing activity for residential structures and/or lots on abutting, adjacent, or nearby property.

- E. Dimensional standards apply.** Temporary structures shall be subject to the applicable standards of the underlying district or zone.
- F. Removal required.** Any temporary structure that was permitted for construction activities shall be removed within ten (10) days after the associated construction is complete, or within ten (10) days of abandonment of the associated construction.
- G. Residential uses prohibited.** Temporary structures shall not be used for residential uses.

### Section 5.13 Substantially Similar Uses

- A. Zoning Inspector decision.** The Zoning Inspector shall facilitate interpretations of substantially similar uses under this section.
- B. Criteria.** The Zoning Inspector shall classify a proposed, undefined use as similar or dissimilar to a defined use based on the following factors:
  - (1) The scale and scope of the proposed use, including the scale and location of structures and signage.
  - (2) Commonly associated features of the use.
  - (3) Information provided by the applicant.
  - (4) Performance standards of the use, including associated odors, noise, lights, pedestrian traffic demand, and vehicular traffic demand.
- C. Effect of classification.** Where the Zoning Inspector classifies a proposed, undefined use as functionally similar to a use that is defined within this Zoning Resolution, the application may proceed according to the applicable regulations of the functionally similar defined use. (E.g., if the functionally similar defined use is regulated as a conditional use at

the subject property, then the proposed, undefined use shall be reviewed through a conditional use permit.)

- D. Dissimilar use.** Where the Zoning Inspector cannot classify a proposed, undefined use as functionally similar to any existing defined use within this Zoning Resolution, the proposed undefined use shall be presumed to be a prohibited use unless and until the text and/or map of this Zoning Resolution is amended per ORC [Section 519.12](#).

## Section 5.14 Small Solar Facilities

### A. General Requirements

#### (1) Integrated or Rooftop Solar Energy Systems:

- i. Height: The maximum height of any Integrated or Rooftop Solar Energy System shall not exceed the maximum height applicable to principal structures located in the zoning district where located. An Integrated or Rooftop Solar Energy System mounted on a roof shall not vertically exceed the highest point of the roof to which it is attached.

#### (2) Ground Mounted Solar Energy Systems:

- i. Height: The maximum height of any Ground Mounted Solar Energy System at any point shall not exceed twenty (20) feet.
- ii. Coverage: Ground Mounted Solar Energy Systems shall be included as part of any lot/tract/ground coverage calculation applicable to the zoning district where located. In the event a zoning district does not have a restriction limiting the ground area occupied by buildings, structures, parking areas, sidewalks, or other impervious surfaces, all Ground Mounted Solar Energy System(s) shall not exceed in the aggregate 75% of the total area of the lot or tract. No Ground Mounted Solar Energy System(s) shall be located on a lot or tract, except upon the granting of a Conditional Use Permit issued by the Board of Zoning Appeals pursuant to the provisions of this Section and Section 28.11 Conditional Uses and Variances, and Section 5.14(B).

iii. Visual Buffer: A Ground Mounted Solar Energy System shall have a visual buffer of natural vegetation, plantings, and/or fencing that provides reasonable visual screening to minimize view of and noise from the Small Solar Facilities on adjacent lots and from any public right-of-way. Ground Mounted Solar Energy Systems located on corner lots shall comply with the applicable requirements (including, but not limited to, those for yards, buffering, and screening) for lots in the zoning district where located.

**(3) All Other Small Solar Facilities:** This section shall apply to any other Small Solar Facility, other than an Integrated, Rooftop, or Ground Mounted Solar Energy System ("All Other Small Solar Facilities")

i. Height: The maximum height of any All Other Small Solar Facilities at any point shall not exceed the lesser of thirty-five (35) feet, or the max height for accessory structures in the district where located.

ii. Coverage: All Other Small Solar Facilities shall be included as part of any lot/tract/ground coverage calculation applicable to the zoning district where located. In the event a zoning district does not have a restriction limiting the ground area occupied by buildings, structures, parking areas, sidewalks, or other impervious surfaces, All Other Small Solar Facilities shall not exceed in the aggregate 75% of the total square footage of the lot or tract.

iii. Visual Buffer: All Other Small Solar Facilities shall have a visual buffer of natural vegetation, plantings, and/or fencing that provides reasonable visual screening to reduce view of and noise from the Small Solar Facilities on adjacent lots and from any public right-of-way. All Other Small Solar Facilities located on corner lots shall comply with the applicable requirements (including, but not limited to, those for yards, buffering, and screening) for lots in the zoning district where located.

iv. Conditional Use: All Other Small Solar Facilities shall be considered a conditional use within the zoning districts as set forth on Table 5.02-A – Comprehensive Permitted and Conditional Uses and shall not be permitted

except upon the granting of a Conditional Use Permit issued by the Board of Zoning Appeals pursuant to the provisions of this Section and Section 28.11 Conditional Uses and Variances, and Section 5.14(B).

- (4) **Lighting.** Any lighting for a Small Solar Facility shall meet any lighting restrictions applicable to the zoning district where located. In the event there are no applicable provisions regarding lighting, all lighting in, of, and associated with the Small Solar Facility must narrowly focus light inward toward the solar equipment, be downlit and shielded, and result in a maximum horizontal illuminance level not to exceed one foot-candle. Small Solar Facilities shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways.
- (5) **Noise.** Any Small Solar Facility shall comply with the noise resolution and all applicable noise restrictions set forth within the Township, including, but not limited to, those applicable to the zoning district where located.
- (6) **Setbacks:** Any Small Solar Facility must comply with the setback requirements applicable to the zoning district where located.
- (7) **Maintenance:** Small Solar Facilities must be maintained in good working order at all times. The owner of the property and owner of the Small Solar Facilities shall, within thirty (30) days of permanently ceasing operation of a Small Solar Facility, provide written notice of abandonment to the Zoning Inspector. An unused Small Solar Facility may stand no longer than three (3) months following abandonment. All costs associated with the dismantling/demolition of the Small Solar Facility and associated equipment shall be borne by the property owner. A Small Solar Facility is considered abandoned when it ceases transmission of electricity for thirty (30) consecutive days. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing Small Solar Facility and, in the case of Ground Mounted Solar Energy Systems installed returning the property to a graded, seeded and/or landscaped state similar to its condition prior to the construction/installation.

- (8) Building Permits:** All Small Solar Facilities and parts thereof shall obtain all applicable required Building Permits from the State of Ohio and County or other local building jurisdiction.
- (9) Advertising:** Small Solar Facilities and the property where located shall not be used for the display of advertising. For the purposes of this section, reasonable and customary identification (name, insignia, logo, and/or similar) of the manufacturer or operator of the system that is incorporated into or manufactured on the equipment itself shall not be considered advertising.
- (10) Other Restrictions:** A Small Solar Facility shall comply with all applicable federal, state, and local laws, rules, and regulations.

#### **B. Criteria for Conditional Use**

- (1)** A Small Solar Facility that is required to obtain a Conditional Use Permit is subject to and shall follow the application process for a Conditional Use Permit provided under this Zoning Resolution.
- (2)** Where identified as a conditionally permitted use, any Small Solar Facility shall comply with the following specific requirements, subject to the discretion of the Board of Zoning Appeals:
  - i. Road Use Maintenance Agreement: The property owner shall provide for the adequate maintenance and protection of Township maintained, protected, or managed infrastructure (including, but not limited to roadways, rights-of-way, and easements) to be used in connection with the Small Solar Facility, and which the Board of Zoning Appeals may require to be detailed in a road use and maintenance agreement ("RUMA") with the Township. Any damaged public roads, culverts, and bridges shall be repaired promptly to their previous or better condition by the property owner or their designee under the guidance of the appropriate regulatory authority.

- ii. Safety services: The property owner shall provide sufficient evidence that the property can be adequately served by the appropriate safety services, for example, a letter from the applicable fire department verifying that emergency response personnel and vehicles can safely reach and service the property, including the area where the Small Solar Facility is located.
- iii. Location:
  - 1. Any Small Solar Facility other than an Integrated or Rooftop Solar Energy System (except components located entirely underground) shall be located entirely in the rear yard.
  - 2. No Small Solar Facility shall be located on the front façade of any structure or on any façade facing a public right-of-way.
  - 3. No Small Solar Facility shall be located in front of a principal building or structure. In the case of corner lots, no Small Solar Facility shall be located between a principal building or structure and a public right-of-way.
- iv. Height: the maximum height of any Small Solar Facility shall not exceed twenty (20) feet.
- v. Buffers and Setbacks:
  - 1. Where a Small Solar Facility is located on property adjacent to property zoned for residential use (as determined by the Zoning Inspector), no part of the Small Solar Facility (other than components located entirely underground) shall be located within one hundred (100) feet of an existing residential dwelling located on another property.



2. No Small Solar Facility (other than components located entirely underground) shall be located one hundred (100) feet of another property line.
  3. No Small Solar Facility (other than components located entirely underground) shall be located within fifty (50) feet of a public right-of-way or shared-use driveway.
- vi. Visual Buffer: A small Solar Facility shall have a visual buffer of natural vegetation, plantings, and/or fencing designed to and that does all of the following:
1. Enhances the view from any existing residential dwelling and from any public right-of-way;
  2. Is in harmony with the existing vegetation and viewshed in the area; and
  3. Provides reasonable visual screening to minimize view of and noise from the Small Solar Facilities to adjacent lots and from any public right-of-way.
- vii. Glare: Solar panels shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways.
- viii. Lighting: All lights associated with the Small Solar Facility must narrowly focus light inward toward the equipment, be downlit and shielded, and prohibit any spillover onto any adjacent property.
- ix. Fencing: Any fencing and/or screening installed in connection with the Small Solar Facility shall be harmonious and compatible with the surrounding properties and uses. Fencing shall be maintained in good repair and in an aesthetic manner at all times.

- x. Conditions: Any conditions or other requirements as determined by the Board of Zoning Appeals in connection with the issuance of a Conditional Use Permit.

### C. Zoning Permit

- (1) A zoning permit shall be required before any construction is commenced on a Small Solar Facility.
- (2) Applicant shall provide the Township Zoning Inspector with the following items and/or information when applying for a certificate of zoning compliance:
  - (i) A report that shows:
    - a) The total size and height of the proposed Small Solar Facility
    - b) Data specifying the megawatt size and generating capacity in megawatts of the particular Small Solar Facility.
    - c) Hazardous materials containment and disposal plan.
- (3) A site drawing showing the location of the Small Solar Facility including all equipment and components thereof in relation to (and measurements of distances from) all existing structures on the property, roads and other public rights-of-way, and neighboring property lines.
- (4) Evidence of compliance with applicable setback and all other applicable zoning restrictions.
- (5) A maintenance schedule as well as a dismantling plan that outlines how the Small Solar Facility including all equipment and components thereof will be dismantled at the end of their use and/or upon abandonment.
- (6) Any other information or materials reasonably requested by the Zoning Inspector.

### Section 5.15 Open Space Requirements

- (1) **Open Space.** Where open space is required to be dedicated, such open space shall be designed to provide active recreation, passive recreation, the preservation of natural site amenities or any combination thereof. Any buildings, structures, and improvements to the open space must be appropriate to the uses which are authorized for the open space, having regard to its topography and unimproved condition. The open space shall be of a size, shape, and location which is conducive to use by residents. Public utility and similar easements, rights-of-way for streets and roads, and rights-of-way for water courses and other similar channels are not acceptable for common open space dedication unless such land or right-of-way is useable as a trail or similar purpose and has been approved by the Zoning Commission. Storm water retention or detention facilities are acceptable for dedication as open space, provided such facilities do not exceed 50% of the total dedicated open space.

ARTICLE 6. Reserved

**RESERVED**

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## ARTICLE 7. Farm Residential District (FR-1)

### Section 7.01 Farm Residential District (FR-1)

- A. Purpose.** The Farm Residential Zone (FR-1) provides for open space and agricultural uses within rural or agricultural areas while accommodating large-lot residential development. This zone provides for limited institutional and public uses in support of residential and agricultural uses.
- B. Governing tables.** In case of discrepancy with the content of any excerpt table provided within this Section, the following tables shall govern the following standards:
- (1) Table 5.02-A – Comprehensive Permitted and Conditional Uses shall govern the uses permitted and prohibited within each district or zone.
  - (2) Table 7.01-A shall govern the dimensional development standards within the FR-1 district.
- C. Dimensional Standard Table.** The following table provides the dimensional standards applicable to the FR-1 zone.

*Table 7.01-A - FR-1 Zone Dimensional Standards*

Standards	Farm Residential
	FR-1
<b>Lot Size Standards</b>	
<b>Minimum Lot Size</b>	1 acre
<b>Minimum Lot Width</b>	75 feet
<b>Setback Standards</b>	
<b>Maximum Front Setback</b>	N/A
<b>Minimum Front Setback</b>	40 feet
<b>Minimum Side Setback</b>	15 feet
<b>Minimum Rear Setback</b>	30 feet <sup>(1)</sup>
<b>Building Design Standards</b>	
<b>Maximum Building Height</b>	35 feet <sup>(2)</sup>
<b>Minimum First Floor Height</b>	N/A
<b>Maximum Projection from Primary Structure <sup>(3)</sup></b>	10 feet
<b>Site Design Standards</b>	
<b>Minimum Pervious Surface Percentage of Total Lot Area <sup>(4)</sup></b>	35%
<b>Minimum Open Space Requirement <sup>(5)</sup></b>	N/A
<b>Table Notes:</b> (1) Minimum rear setback from accessory structures is 15 feet. (2) Agricultural use-related buildings are exempt from height limitations. (3) Building elements other than porches or decks may project from a principal structure up to the specified limit but shall not be any closer to an adjacent property than 5 feet. (4) This requirement is separate from the landscaping requirements of Section 21.06 - <b>Landscaping, Screening, and Buffering</b> . Any landscaping provided per Section 21.06 - <b>Landscaping, Screening, and Buffering</b> may count towards applicable requirements for minimum pervious surface. (5) Where applicable, minimum open space requirements apply to areas of land that are 2 acres or larger and that are rezoned to a district with a minimum open space requirement.	

**D. Generally applicable regulations.**

- (1) Article 21 – All applicable standards in Article 21, General Development Standards, shall apply to this zoning district, including, but not limited to, standards regarding accessory uses and structures, lighting, dimensional standards, landscaping, buffering, screening, parking, and street-facing façade design standards (where applicable).
- (2) Article 22 - Signage provides the standards regarding exempt signs, prohibited signs, general signage standards, sign area measurement, sign illumination, sign type permissions, non-conforming signs, and signage maintenance requirements.

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ARTICLE 8. Reserved

**RESERVED**

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## ARTICLE 9. Community Living Zone (CL)

### Section 9.01 Community Living Zone

- A. Purpose.** The Community Living Zone (CL) provides for multi-unit residential uses and a diversity of housing types with a mix of neighborhood amenities.
- B. Governing tables.** In case of discrepancy with the content of any excerpt table provided within this Section, the following tables shall govern the following standards:
- (1)** Table 5.02-A – Comprehensive Permitted and Conditional Uses shall govern the uses permitted and prohibited within each district or zone.
  - (2)** Table 9-A shall govern the dimensional development standards within this district.
- C. Excerpt tables.** The following table provides the standards applicable to the CL zone.

*Table 9.01-A - Excerpt: CL Zone Dimensional Standards*

Standards	Community Living
	CL
<b>Lot Size Standards</b>	
Minimum Lot Size	N/A
Minimum Lot Width	N/A
<b>Setback Standards</b>	
Maximum Front Setback	N/A
Minimum Front Setback	30 feet
Minimum Side Setback	15 feet <sup>(1)</sup> <sup>(2)</sup>
Minimum Rear Setback	30 feet <sup>(2)</sup>
<b>Building Design Standards</b>	
Maximum Building Height	35 feet
Minimum First Floor Height	N/A
Maximum Projection from Primary Structure <sup>(3)</sup>	10 feet
<b>Site Design Standards</b>	
Maximum Residential Density	6 dwelling units per acre
Minimum Pervious Surface Percentage of Total Lot Area <sup>(4)</sup>	25%
Minimum Open Space Requirement <sup>(5)</sup>	20%
<b>Table Notes:</b> (1) Minimum side setback is 0 feet for cross-property attached dwelling units. (2) Minimum side and rear setbacks are 100 feet where abutting a residential district. (3) Building elements, including egress windows and their appurtenances, other than porches or decks may project from a principal structure up to the specified limit but shall not be any closer to an adjacent property than 5 feet. (4) This requirement is separate from the landscaping requirements of Section 21.06 - <b>Landscaping, Screening, and Buffering</b> . Any landscaping provided per Section 21.06 - <b>Landscaping, Screening, and Buffering</b> may count towards applicable requirements for minimum pervious surface. (5) Where applicable, minimum open space requirements apply to areas of land that are 2 acres or larger and that are rezoned to a district with a minimum open space requirement.	

**D. Generally applicable regulations.**

- (1) Article 21 – All applicable standards in Article 21, General Development Standards, shall apply to this zoning district, including, but not limited to, standards regarding accessory uses and structures, lighting, dimensional standards, landscaping, buffering, screening, parking, and street-facing façade design standards (where applicable).
- (2) Article 22 - Signage provides the standards regarding exempt signs, prohibited signs, general signage standards, sign area measurement, sign illumination, sign type permissions, non-conforming signs, and signage maintenance requirement

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## ARTICLE 10. Planned Unit Development District (PUD)

### Section 10.01 Planned Unit Development District

- A. Purpose.** The Planned Unit Development District (PUD) is established to provide flexibility for unique projects that promote the goals of the Comprehensive Plan, but that cannot be accomplished under a base zoning district, in addition to fostering orderly development.
- B. Process.** The establishment of a planned unit development requires a zoning map amendment per ORC [Section 519.12](#).
- C. Application requirements.** In addition to, and preceding, the procedural requirements of the zoning map amendment process in ORC [Section 519.12](#), the Zoning Inspector shall receive applications for planned unit developments and confirm if they are complete. A complete application for a planned unit development includes the following information:
- (1) A site plan that meets the requirements of a zoning permit application as specified in Section 25.022 - Zoning Permits, Applications.
  - (2) A lighting plan per Section 21.03 - Lighting.
  - (3) A landscaping plan per Section 21.06 - Landscaping, Screening, and Buffering.
  - (4) A parking plan per Section 21.12 - Section 21.12 Parking, Drive-Throughs, and Circulation.
  - (5) A signage plan per Article 22 - Signage.
  - (6) Proposed building elevations and exterior finish materials per Section 21.05 – Street-Facing Façade Design Standards, if applicable.
  - (7) A proposed set of uses that would be permitted across the development. Such a set of uses shall only include uses that are permitted outright and

shall not propose any uses to be permitted as conditional uses. Any use not listed as a permitted use shall be considered a prohibited use.

- (8) A proposed set of dimensional standards, including setbacks and heights, that would be permitted across the development.
- (9) A phase schedule if the development will be constructed in phases.
- (10) An executed acknowledgement from the Applicant requiring that all real property is to be placed in an existing JEDD or new JEDD in which Orange Township is a contracting party, provided that the proposed set of permitted uses includes any commercial or industrial components,
- (11) A fee as established by the Board of Trustees.
- (12) A list of requested divergences from any applicable development standards, if any, and written justification for said divergences.

**D. General Development Standards** All applications for a PUD shall comply with the development standards in Article 21 of this Zoning Resolution, unless specific divergences from these provisions are approved by the Orange Township Board of Trustees. If any divergences are required, the applicant shall note them in their development plan and provide written justification for said divergences.

**E. PUD Development Standards.** All applications submitted under this Article shall comply with the following development standards:

- (1) If the area to be rezoned under this Article includes single-family residential uses, the maximum number of residential units per gross acre of area within the area to be developed shall be no greater than 2.5 units per acre.
- (2) If the area to be rezoned under this Article includes multi-family residential uses, the maximum number of residential units per gross acre within the area to be developed shall be no greater than 6 units per acre.

- (3) If the area to be rezoned under this Article includes a mix of residential and commercial uses, with at least 20% of the gross floor area of all proposed buildings being dedicated to commercial uses, the maximum number of residential units per gross acre of area within the area to be developed shall be no greater than 8 units per acre.
- (4) The maximum height for buildings dedicated solely to residential uses shall be 35 feet.
- (5) The maximum height for buildings dedicated solely to commercial or industrial uses shall be 50 feet.
- (6) The maximum height for buildings containing a mix of residential and commercial uses shall be 50 feet.
- (7) If a property to be rezoned under this Article contains any commercial or industrial uses, the minimum building setback from any lot line of a residential zoning district shall be 100 feet.

**F. Application format.** As part of an application for a text and/or map amendment for a planned unit development, the proposed set of permitted uses and proposed set of dimensional standards required above shall be formatted into a draft resolution, as specified by the Zoning Inspector.

**G. Review criteria.** The reviewing authorities shall consider if:

- (1) The proposal is consistent with the purpose, criteria, intent, and standards of this Article and Zoning Resolution.
- (2) The proposal would meet or exceed the goals, objectives, and/or recommendations of the Comprehensive Plan.
- (3) The proposal would support safe walking, bicycling, wheelchair, and other non-vehicular transportation to and between common destinations including residences, employment centers, educational facilities, shopping, and

recreation that is provided within or adjacent to the planned unit development.

- (4) The proposal would promote the conservation and/or promotion of natural resources within the Township.
- (5) There are any other considerations which promote public health, safety, and welfare as may be deemed relevant by the Board of Trustees.

**H. Conditions to approval.** In addition to other powers provided per ORC [Section 519.12](#), the reviewing authorities may impose conditions on the approval of a planned unit development that would cause the development to meet applicable review criteria. Such conditions may include but are not limited to the following:

- (1) A requirement to modify specific aspects of an application.
- (2) A requirement that the development or specific portions thereof shall comply with any or all applicable standards laid out in Article XXI and Article XXII of the Orange Township Zoning Resolution.

**I. Condition of Approval.** Unless otherwise excluded by resolution approved by the Board of Trustees, no real property that includes any commercial or industrial uses shall be included in an approved PUD unless such property is located in a JEDD created under Section 715.72 of the Ohio Revised Code and in which Orange Township is a contracting party. No zoning permits or Certificates of Zoning Compliance shall be issued by the Zoning Department until such time that an executed petition (or petitions) is (or are) submitted to Orange Township that fulfill the statutory requirements of Section 715.72 of the Ohio Revised Code from the owner(s) of record, and the owner(s) of any businesses operating thereon, for any property included in the Application and Development Plan that is put to a commercial or industrial use, to effectuate and acknowledge said property owner(s) and business owner(s) consent and subjection to the JEDD.

### J. Major Amendments to a PUD.

- (1) The following shall be considered major amendments to an approved PUD:
  - (i) An increase in five percent or more in setback reduction.
  - (ii) An increase in five percent or more on lot coverage, thus reducing open space.
  - (iii) An increase in five percent or more on building any structure height.
  - (iv) An increase in five percent or more on signage height, setback, and sign area.
  - (v) A substantial change in building materials (e.g., from brick to vinyl).
  - (vi) A decrease in 10% or more on landscaping and screening features.
  - (vii) Any increase in the number of dwelling units.
  - (viii) Adding or removing permitted or prohibited uses in an approved PUD.
- (2) Staff may determine if any proposed modifications are major amendments as set forth above. Major amendments shall follow the prescribed legislative zoning amendment process laid out in Section 519.12 of the Ohio Revised Code, and Article XXVII of this Zoning Resolution.

### K. Minor amendments to an approved PUD.

- (1) All proposed modifications, other than those outlined in **Error! Reference source not found.**(J)(1) shall be considered minor amendments.
- (2) Within a reasonable period of time of the submittal of a written application specifically detailing the modifications requested along with a revised development plan, the Zoning Inspector may administratively approve a minor modification.
- (3) Anyone aggrieved by the Zoning Inspector's decision on a proposed minor modification may appeal said decision to the Board of Trustees within 30 days of said decision by the Zoning Inspector. The Board of Trustees shall



hear said appeal within 30 days of receiving the appeal. The Board of Trustee's action is final and is subject to appeal through RC 2506.

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ARTICLE 11. Reserved

**RESERVED**

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## ARTICLE 12. Commercial Corridor Zone (CC)

### Section 12.01 Commercial Corridor Zone (CC)

- A. Purpose.** The Commercial Corridor Zone (CC) provides for a wide variety of commercial uses and supportive congregational and institutional uses, among others, across existing and planned commercial corridors. Development standards accommodate auto-oriented development and provide flexibility for pedestrian-oriented development.
- B. Governing tables.** In case of discrepancy with the content of any excerpt table provided within this Section, the following tables shall govern the following standards:
- (1)** Table 5.02-A – Comprehensive Permitted and Conditional Uses shall govern the uses permitted and prohibited within each district or zone.
  - (2)** Table 12.01-A shall govern the dimensional development standards within this district.
- C. Dimensional Standards table.** The following table provides dimensional standards applicable to the CC zone.

Table 12.01-A - CC Zone Dimensional Standards

Standards	Commercial Corridor
	CC
<b>Lot Size Standards</b>	
Minimum Lot Size	N/A
Minimum Lot Width	N/A
<b>Setback Standards</b>	
Maximum Front Setback	N/A
Minimum Front Setback	30 feet
Minimum Side Setback	15 feet <sup>(1)</sup>
Minimum Rear Setback	30 feet <sup>(2)</sup>
<b>Building Design Standards</b>	
Maximum Building Height	50 feet
Minimum First Floor Height	N/A
Maximum Projection from Primary Structure <sup>(3)</sup>	10 feet
<b>Site Design Standards</b>	
Minimum Pervious Surface Percentage of Total Lot Area <sup>(4)</sup>	25%
Minimum Open Space Requirement <sup>(5)</sup>	N/A
<b>Table Notes:</b> (1) Minimum side setback is 100 feet where abutting a residential district. (2) Minimum rear setback is 100 feet where abutting a residential district. (3) Building elements other than porches or decks may project from a principal structure up to the specified limit but shall not be any closer to an adjacent property than 5 feet. (4) This requirement is separate from the landscaping requirements of Section 21.06 - <b>Landscaping, Screening, and Buffering</b> . Any landscaping provided per Section 21.06 - <b>Landscaping, Screening, and Buffering</b> may count towards applicable requirements for minimum pervious surface. (5) Where applicable, minimum open space requirements apply to areas of land that are 2 acres or larger and that are rezoned to a district with a minimum open space requirement.	

**D. Generally applicable regulations.**

- (1) Article 21 – All applicable standards in Article 21, General Development Standards, shall apply to this zoning district, including, but not limited to, standards regarding accessory uses and structures, lighting, dimensional standards, landscaping, buffering, screening, parking, and street-facing façade design standards (where applicable).
- (2) Article 22 - Signage provides the standards regarding exempt signs, prohibited signs, general signage standards, sign area measurement, sign illumination, sign type permissions, non-conforming signs, and signage maintenance requirements.

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## ARTICLE 13. Neighborhood Commercial District (C-2)

### Section 13.01 Neighborhood Commercial District (C-2)

- A. Purpose.** The Neighborhood Commercial District (C-2) provides an atmosphere and opportunities to develop small neighborhood shopping areas which are pleasant, safe, convenient to the neighborhood yet not designed to serve the public at large.
- B. Governing tables.** In case of discrepancy with the content of any excerpt table provided within this Section, the following tables shall govern the following standards:
- (1) Table 5.02-A – Comprehensive Permitted and Conditional Uses shall govern the uses permitted and prohibited within each district or zone.
  - (2) Table 13.01-A shall govern the dimensional development standards within this district.
- C. Dimensional standards table.** The following table provides the dimensional standards applicable to the C-2 zone.

Table 13.01-A - C-2 Zone Dimensional Standards

Standards	Neighborhood Commercial
	C-2
<b>Lot Size Standards</b>	
Minimum Lot Size	N/A
Minimum Lot Width	N/A
<b>Setback Standards</b>	
Maximum Front Setback	N/A
Minimum Front Setback	30 feet
Minimum Side Setback	25 feet <sup>(1)</sup>
Minimum Rear Setback	30 feet <sup>(2)</sup>
<b>Building Design Standards</b>	
Maximum Building Height	35 feet
Minimum First Floor Height	N/A
Maximum Projection from Primary Structure <sup>(3)</sup>	10 feet
<b>Site Design Standards</b>	
Minimum Pervious Surface Percentage of Total Lot Area <sup>(4)</sup>	25%
Minimum Open Space Requirement <sup>(5)</sup>	N/A
<b>Table Notes:</b> (1) Minimum side setback is 100 feet where abutting a residential district. (2) Minimum rear setback is 100 feet where abutting a residential district. (3) Building elements other than porches or decks may project from a principal structure up to the specified limit but shall not be any closer to an adjacent property than 5 feet. (4) This requirement is separate from the landscaping requirements of Section 21.06 - <b>Landscaping, Screening, and Buffering</b> . Any landscaping provided per Section 21.06 - <b>Landscaping, Screening, and Buffering</b> may count towards applicable requirements for minimum pervious surface. (5) Where applicable, minimum open space requirements apply to areas of land that are 2 acres or larger and that are rezoned to a district with a minimum open space requirement.	

**D. Generally applicable regulations.**

- (1) Article 21 – All applicable standards in Article 21, General Development Standards, shall apply to this zoning district, including, but not limited to, standards regarding accessory uses and structures, lighting, dimensional standards, landscaping, buffering, screening, parking, and street-facing façade design standards (where applicable).
- (2) Article 22 - Signage provides the standards regarding exempt signs, prohibited signs, general signage standards, sign area measurement, sign illumination, sign type permissions, non-conforming signs, and signage maintenance requirements.

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ARTICLE 14. Reserved

**RESERVED**

Draft

ARTICLE 15. Reserved

**RESERVED**

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## ARTICLE 16. Flex Employment Zone (FE)

### Section 16.01 Flex Employment Zone

- A. Purpose.** The Flex Employment Zone (FE) provides for light industrial, research and development, tech, office, and commercial uses to provide maximum flexibility for a robust mix of employment uses and associated business amenities.
- B. Governing tables.** In case of discrepancy with the content of any excerpt table provided within this Section, the following tables shall govern the following standards:
- (1) Table 5.02-A – Comprehensive Permitted and Conditional Uses shall govern the uses permitted and prohibited within each district or zone.
  - (2) **Error! Reference source not found.** Table 16.01-A shall govern the dimensional development standards within this district.
- C. Dimensional standards table.** The following table provide the dimensional standards applicable to the FE zone.

Table 16.01-A - FE Zone Dimensional Standards

Standards	Flex Employment
	FE
<b>Lot Size Standards</b>	
<b>Minimum Lot Size</b>	10,000 square feet
<b>Minimum Lot Width</b>	75 feet
<b>Setback Standards</b>	
<b>Maximum Front Setback</b>	N/A
<b>Minimum Front Setback</b>	50 feet
<b>Minimum Side Setback</b>	15 feet <sup>(1)</sup>
<b>Minimum Rear Setback</b>	30 feet <sup>(2)</sup>
<b>Building Design Standards</b>	
<b>Maximum Building Height</b>	50 feet
<b>Minimum First Floor Height</b>	N/A
<b>Maximum Projection from Primary Structure <sup>(3)</sup></b>	10 feet
<b>Site Design Standards</b>	
<b>Minimum Pervious Surface Percentage of Total Lot Area <sup>(4)</sup></b>	25%
<b>Minimum Open Space Requirement <sup>(5)</sup></b>	N/A
<b>Table Notes:</b> (1) Minimum side setback is 100 feet where abutting a residential district. (2) Minimum rear setback is 100 feet where abutting a residential district. (3) Building elements other than porches or decks may project from a principal structure up to the specified limit but shall not be any closer to an adjacent property than 5 feet. (4) This requirement is separate from the landscaping requirements of Section 21.06 - <b>Landscaping, Screening, and Buffering</b> . Any landscaping provided per Section 21.06 - <b>Landscaping, Screening, and Buffering</b> may count towards applicable requirements for minimum pervious surface. (5) Where applicable, minimum open space requirements apply to areas of land that are 2 acres or larger and that are rezoned to a district with a minimum open space requirement.	

**D. Generally applicable regulations.**

- (1) Article 21 – All applicable standards in Article 21, General Development Standards, shall apply to this zoning district, including, but not limited to, standards regarding accessory uses and structures, lighting, dimensional standards, landscaping, buffering, screening, parking, and street-facing façade design standards (where applicable).
- (2) Article 22 – Signage provides the standards regarding exempt signs, prohibited signs, general signage standards, sign area measurement, sign illumination, sign type permissions, non-conforming signs, and signage maintenance requirements.

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ARTICLE 17. Reserved

**RESERVED**

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## ARTICLE 18. Mixed-Use District (MU)

### Section 18.01 Mixed-Use District

- A. Purpose.** The Mixed-Use District (MU) provides a range of commercial and residential uses with goals of facilitating vibrancy, accessibility, and flexibility. This district facilitates walkability through more granular development patterns.
- B. Mixed Use Requirement.** A minimum of 20% of the gross floor area of all buildings within any parcel within the Mixed-Use District must be dedicated to non-residential use. Recreational areas, clubhouses, or other amenities ancillary to residential use shall not count towards this requirement. All uses shall be located within close proximity to one another (approximately one-quarter mile), and must be linked via multi-use paths or sidewalks in order to facilitate safe and easy pedestrian circulation.
- C. Governing tables.** In case of discrepancy with the content of any excerpt table provided within this Section, the following tables shall govern the following standards:
- (1) Table 5.02-A – Comprehensive Permitted and Conditional Uses shall govern the uses permitted and prohibited within each district or zone.
  - (2) Table 18.01-A shall govern the dimensional development standards within this district.
- D. Dimensional standards tables.** The following table provides the dimensional standards applicable to the MU district.

*Table 18.01-A - MU District Dimensional Standards*

Standards	Mixed-Use Center
	MU
<b>Lot Size Standards</b>	
<b>Minimum Lot Size</b>	N/A
<b>Minimum Lot Width</b>	N/A
<b>Setback Standards</b>	
<b>Maximum Front Setback</b>	50 feet
<b>Minimum Front Setback</b>	30 feet
<b>Minimum Side Setback</b>	15 feet <sup>(1)(2)</sup>
<b>Minimum Rear Setback</b>	30 feet <sup>(2)</sup>
<b>Building Design Standards</b>	
<b>Maximum Building Height</b>	50 feet
<b>Minimum First Floor Height</b>	12 feet
<b>Maximum Projection from Primary Structure <sup>(3)</sup></b>	10 feet
<b>Site Design Standards</b>	
<b>Maximum Residential Density</b>	8 dwelling units per acre
<b>Minimum Pervious Surface Percentage of Total Lot Area <sup>(4)</sup></b>	35%
<b>Minimum Open Space Requirement <sup>(5)</sup></b>	20%
<b>Table Notes:</b> (1) Minimum side setback is 0 feet for cross-property attached dwelling units. (2) Minimum side and rear setbacks are 100 feet where abutting a residential district. (3) Building elements, including egress windows and their appurtenances, other than porches or decks may project from a principal structure up to the specified limit but shall not be any closer to an adjacent property than 5 feet. (4) This requirement is separate from the landscaping requirements of Article 21 - <b>Landscaping, Screening, and Buffering</b> . Any landscaping provided per Article 21 - <b>Landscaping, Screening, and Buffering</b> may count towards applicable requirements for minimum pervious surface. (5)	



Standards	Mixed-Use Center
	MU
(5) Where applicable, minimum open space requirements apply to areas of land that are 2 acres or larger and that are rezoned to a district with a minimum open space requirement.	

#### **E. Generally applicable regulations.**

- (1) Article 21 – All applicable standards in Article 21 - General Development Standards, shall apply to this zoning district, including, but not limited to, standards regarding accessory uses and structures, lighting, dimensional standards, landscaping, buffering, screening, parking, and street-facing façade design standards (where applicable).
- (2) Article 22 – Signage provides the standards regarding exempt signs, prohibited signs, general signage standards, sign area measurement, sign illumination, sign type permissions, non-conforming signs, and signage maintenance requirements.

## ARTICLE 19. Neighborhood Zone (N)

### Section 19.01 Neighborhood Zone

- A. Purpose.** The Neighborhood Zone (N) accommodates existing residential neighborhoods while providing flexibility for new home construction in a manner that is compatible with existing development patterns and the goals of the Township's Comprehensive Plan pertaining to housing.
- B. Governing tables.** In case of discrepancy with the content of any excerpt table provided within this Section, the following tables shall govern the following standards:
- (1)** Table 5.02-A – Comprehensive Permitted and Conditional Uses shall govern the uses permitted and prohibited within each district or zone.
  - (2)** Table 19.01-A shall govern the dimensional development standards within this district.
- C. Dimensional standard table.** The following table provides the dimensional standards applicable to the Neighborhood Zone.

*Table 19.01-A - Neighborhood Zone Dimensional Standards*

Standards	Neighborhood Zone
	N
<b>Lot Size Standards</b>	
<b>Minimum Lot Size</b>	8,400 square feet <sup>(1)</sup>
<b>Minimum Lot Width</b>	70 feet <sup>(2)</sup>
<b>Minimum Lot Depth</b>	120 feet
<b>Setback Standards</b>	
<b>Maximum Front Setback</b>	N/A
<b>Minimum Front Setback</b>	25 feet
<b>Minimum Side Setback</b>	10 feet <sup>(3)</sup>
<b>Minimum Rear Setback</b>	30 feet <sup>(4)</sup>
<b>Building Design Standards</b>	
<b>Maximum Building Height</b>	35 feet
<b>Minimum First Floor Height</b>	N/A
<b>Maximum Projection from Primary Structure <sup>(5)</sup></b>	10 feet
<b>Site Design Standards</b>	
<b>Maximum Residential Density</b>	2.5 dwelling units per acre
<b>Minimum Pervious Surface Percentage of Total Lot Area <sup>(6)</sup></b>	35%
<b>Minimum Open Space Requirement <sup>(7)</sup></b>	20%
<b>Table Notes:</b> (1) Minimum lot size is 4,200 square feet for cross-property attached dwelling units. (2) Minimum lot width is 35 feet for cross-property attached dwelling units. (3) Minimum side setback is 0 feet for cross-property attached dwelling units. (4) Minimum rear setback for accessory structures is 10 feet. (5) Building elements, including egress windows and their appurtenances, other than porches or decks may project from a principal structure up to the specified limit but shall not be any closer to an adjacent property than 5 feet. (6) This requirement is separate from the landscaping requirements of Section 21.06 - <b>Landscaping, Screening, and Buffering</b> . Any landscaping provided per Section	

Standards	Neighborhood Zone
	N
<p>21.06 - <b>Landscaping, Screening, and Buffering</b> may count towards applicable requirements for minimum pervious surface.</p> <p>(7) Where applicable, minimum open space requirements apply to areas of land that are 2 acres or larger and that are rezoned to a district with a minimum open space requirement.</p>	

#### **D. Generally applicable regulations.**

- (1) Article 21 – All applicable standards in Article 21, General Development Standards, shall apply to this zoning district, including, but not limited to, standards regarding accessory uses and structures, lighting, dimensional standards, landscaping, buffering, screening, parking, and street-facing façade design standards (where applicable).
- (2) Article 22 - Signage provides the standards regarding exempt signs, prohibited signs, general signage standards, sign area measurement, sign illumination, sign type permissions, non-conforming signs, and signage maintenance requirements.

## ARTICLE 20. Property Maintenance Standards

### Section 20.01 Prohibited Uses

**A. Prohibited Uses** The following shall apply to all zoning districts within this Resolution, unless specifically exempted in an approved PUD.

- (1) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- (2) No trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any parcel within a district zoned for residential use for more than twenty-four (24) hours in any ten (10) day period. If a dwelling is located on said lot the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this Resolution.
- (3) No motor home, mobile home or camper of any type may be occupied for more than fourteen (14) consecutive days at a time.
- (4) No trash, debris, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any other garbage, refuse or junk shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard or nuisance to the neighborhood or general public. All trash, debris, discarded materials, vehicle parts, rags, lumber, building materials, and other garbage, refuse or junk shall be contained in solid sided containers during construction phases and thereafter. No wire or cage-type containers shall be permitted, and no such materials shall be above the sides of the container.

- (5) Overgrown or unmaintained weeds, grasses, and/or vegetation which are noxious, pose a threat to public health, safety, or general welfare, or otherwise constitute a significant annoyance and/or inconvenience to the general public.
- (6) Where properties have frontage along public roadways that are classified by the Ohio Department of Transportation as Principal Arterial Roads, Minor Arterial Roads, or Major Collector Roads, no vehicles shall be parked within the Driveway Intersection Triangle.

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## ARTICLE 21. General Development Standards

### Section 21.01 Performance Standards

- A. Applicability.** All uses established or placed into operation on or after the effective date of this Zoning Resolution shall comply with the following performance standards. No use in existence prior to the effective date of this Zoning Resolution shall be altered or modified in a manner that conflicts with these standards.
- B. General standards.** All uses shall conform to the standards of the Ohio Environmental Protection Agency regarding glare, heat, exterior light, liquid or solid wastes, vibrations, and noise.
- C. Glare, Heat and Exterior Light.** Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the subject property.
- D. Liquid or Solid Wastes.** No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted.
- E. Vibrations and Noise.** No uses shall be located – and no equipment shall be installed – in such a way as to produce intense, earth-shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises.
- F. Noise.** No use shall conflict with the noise standards in the currently adopted Orange Township Noise Resolution.

### Section 21.02 Accessory Uses and Structures

- A. Classifying Accessory Uses and Structures.** Accessory uses and accessory structures are defined as written in the Definitions section of

this Zoning Resolution. Where a given use or structure or a proposed use or structure does not clearly meet the definition of a primary use, accessory use, primary structure, or accessory structure, the Zoning Inspector shall classify the use or structure based on, as appropriate:

- (1) Information provided by the property owner, including the contents of a zoning permit application;
- (2) Signage located on the property;
- (3) Signage that identifies the property;
- (4) The operation of similar uses and their common association with other uses;
- (5) The size of a structure (including footprint area and height) in relation to the size of other structures on the same property;
- (6) The location of a structure in relation to the location of other structures on the same property;

**B. Zoning Permit Required.** Unless explicitly exempted, a Zoning Permit is required to establish, construct, or operate an accessory use and/or accessory structure.

**C. Exempt from Zoning Permit.** Accessory structures that have a footprint area of less than 100 square feet and that are not located in a front yard are exempt from requiring a zoning permit. This exemption does not include signage.

**D. Conflict with Other Sections.**

- (1) The standards within this Article shall control, unless an approved Planned District explicitly changes these provisions.
- (2) The standards adopted for an existing and previously approved Planned District shall control development within the Planned District and shall supersede any similar standard within this Zoning Resolution.

**E. Accessory Uses - Location and Operation.**



- (1) Accessory uses shall be located on the same property as the associated primary use.
- (2) Accessory uses must continuously meet the definition of an accessory use. Should a change in operation cause the accessory use to meet the definition of a primary use, a new Zoning Permit shall be required.
- (3) Signage standards for accessory uses are included in Article 22 – Signage.
- (4) Parking standards for accessory uses are included in Section 21.12 Parking, Drive-Throughs, and Circulation.
- (5) Home occupations may be permitted as accessory to a residential dwelling subject to the standards of Section 5.06 - Home Occupations.

#### **F. Accessory Structures – Location and Design.**

- (1) Accessory structures shall not be located in a front yard. Properties in the Farm Residential (FR-1) district are exempt from this standard.
- (2) Accessory structures shall not exceed the height or footprint area of the primary structure on the same property.
- (3) In addition to other applicable standards provided within this Section, accessory structures shall observe the same setback requirements that apply to primary structures on the subject property unless explicitly exempted in Section 21.04 - Dimensional Standards.

### **Section 21.03 Lighting**

**A. Exempt from a Zoning Permit.** The following types of exterior lighting shall not require a Zoning Permit:

- (1) Lighting on residential properties that do not exceed 2850 lumens (equivalent to a 150-watt incandescent lamp).
- (2) Temporary holiday lighting.

- (3) Fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas lamps.
- (4) Fixtures required by the Ohio Building Code that operate only in emergencies.
- (5) Temporary emergency lighting installed by the police, fire department, or other governmental agency, including lights on emergency service vehicles.
- (6) Streetlights that are installed by a governmental agency.
- (7) Illuminated poles for governmental or institutional flags.

**B. Lighting Required.** Exterior lighting is required for the following:

- (1) Change of use of a mixed-use or other non-residential property.
- (2) Construction of a mixed-use or other non-residential structure.
- (3) Expansion of a mixed-use or other non-residential structure.
- (4) New or expanded vehicular parking areas for a mixed-use or other non-residential property.
- (5) New, expanded, or rebuilt on-site pedestrian walkways associated with uses other than Residential (1-2 Units) uses.

**C. Design of Lighting.**

- (1) Lighting shall not be installed within a public right-of-way except where authorized or installed by government entities or their designees.
- (2) All exterior lighting shall be shielded to prevent direct views of a light source from a separate property and shall meet the definition of full cut-off light fixtures.
- (3) All exterior lighting shall have a maximum temperature of 5000 Kelvin.
- (4) Each pedestrian entrance and exit, excluding exits for emergency use only, shall have a full cutoff light fixture.

- (5) Pedestrian walkways on non-residential properties shall be sufficiently illuminated to prevent any dark areas. This provision shall not be construed to require illumination for pathways that are included in trails.
- (6) The height of lighting pole, including light fixtures in parking areas, shall not exceed twenty (20) feet, as measured from grade level to the highest point of the light pole.
- (7) The entire parking area of a given property, including parking spaces and drive aisles, shall be sufficiently illuminated to prevent any dark areas.
- (8) The levels of lighting shall not exceed the footcandle measurements described in Table 21.03-A - Maximum Light Pollution Illuminances at the property line or beyond five (5) feet into an adjoining property.

*Table 21.03-A - Maximum Light Pollution Illuminances*

Receiving Area Zoning Classification	Maximum Footcandles at (or within 5 feet of) the Property Line
Industrial	2.0
Office and Business	2.0
Residential	0.4

**D. Prohibited Lighting.** The following types of lighting are prohibited: search lights, beacons, laser source lights, or any similar high-intensity or flashing lights.

**E. Required Information of a Lighting Plan.** A submitted plan for exterior lighting shall include the following information on a site plan:

- (1) The locations of each proposed light fixture, including poles and wall-mounted fixtures.
- (2) The height of the proposed lighting fixtures.

- (3) The lighting levels for the proposed site and an area extending a minimum of 30 feet onto adjacent properties.
- (4) The proposed intensity levels of the lighting throughout the site indicating footcandle measurements.
- (5) A graphic representation of the proposed fixtures.
- (6) Information on the fixture lamp type (e.g. low pressure sodium, metal halide, or other).

#### Section 21.04 Dimensional Standards

- A. Applicability.** Each zoning district provides a reference of minimum and maximum dimensional standards, as applicable, for lot sizes, setbacks, building design, site design, and related requirements in this Zoning Resolution.
- B. Principal and accessory structures.** Setback standards shall apply to all principal and accessory structures unless otherwise specified.
- C. Setbacks for nonresidential uses abutting residential districts.**

Nonresidential buildings or uses except parking shall be set back at least 100 feet from the lot line of any residential district (these districts may include, but are not limited to, Neighborhood Zone (N), Community Living (CL), Single Family Planned Residential District (SFPRD), Multi Family Planned Residential District (MFPRD), Planned Elderly Residential District (PERD), Route 23 Corridor Overlay District (RCOD), or Planned Unit Development (PUD), providing that district is exclusively residential in nature). This requirement shall supersede any normal setback requirement of all zoning districts in this Resolution, unless specifically approved as a divergence by the Board of Township Trustees in an approved Planned Unit Development.
- D. Permitted encroachments into required setbacks.** The following elements may project into required setbacks as specified by dimensions

and/or locations, but are subject to any other applicable provision of this Resolution:

- (1) Landscaping, buffer yards, fences, and walls, except for walls that are part of a building. Additional regulations apply in Section 21.06 - Landscaping, Screening, and Buffering.
- (2) Walkways and driveways.
- (3) Awnings; canopies; galleries; building eaves; roof overhangs; gutters; downspouts; light shelves; bay windows and oriels less than ten (10) feet wide; chimneys; flues; cornices; belt courses; egress windows; sills; buttresses; and other similar architectural features may encroach up to five (5) feet into a required setback from a principal building, provided that such extension is at least five (5) feet from the vertical plane of any lot line.
- (4) Unenclosed front porches may encroach into a front setback provided that such encroachment is no greater than ten (10) feet from the front building facade, and no closer than ten (10) feet from the vertical plane of any lot line.
- (5) Hardscape aprons surrounding pools may encroach up to three (3) feet into the required side and/or rear setbacks.

### Section 21.05 Street-Facing Façade Design Standards

**Applicability.** The requirements of Section 21.05 – Street-Facing Façade Design Standards apply to any new construction of a mixed-use, commercial, or other non-residential development within the districts and zones specified in

**A.** Table 21.05-A - Facade Design Applicability.

Table 21.05-A - Facade Design Applicability

District or Zone Name	Symbol	Section 21.05 Applies
Commercial Corridor Zone	(CC)	●
Community Living Zone	(CL)	●

District or Zone Name	Symbol	Section 21.05 Applies
Farm Residential	(FR-1)	
Flex Employment Zone	(FE)	●
Mixed-Use District	(MU)	●
Neighborhood Zone	(N)	
Planned Unit Development District	(PUD)	●
<b>Table Notes:</b> ● = Applies		

### B. Required design elements.

- (1) Any new construction of mixed-use, commercial, or other non-residential development within the applicable districts and zones shall incorporate at least three (3) of the design features from the following list into the street-facing façade(s) per every one hundred lineal feet of street-facing façade. A minimum of two unique design elements must be used per every one hundred lineal feet of street-facing façade. At their discretion, the Zoning Inspector may permit architectural elements that are similar to the following that add pedestrian-oriented details to a building's street-facing façades.
  - (i) Belt courses of a different texture and/or color from the primary exterior construction material
  - (ii) Modillions
  - (iii) Quoins
  - (iv) Pilasters
  - (v) Corbels at regular, frequent intervals
  - (vi) Green roof
  - (vii) Cornice

- (viii) Canopy, awning, or portico
  - (ix) A window of at least six square feet in area. Windows closer together than ten feet shall be considered as one element.
  - (x) Water table
- (2) Any mixed-use, commercial, or other non-residential development within the applicable districts and zones shall be designed so that the exterior materials of street-facing façades meet the requirements provided below:
- (i) At least 80% of the street-facing facades shall be composed of any of the following materials:
    - a) Brick
    - b) Stone
    - c) Fiber cement board
    - d) Glass
    - e) EIFS
    - f) Vinyl siding, provided that the panels are at least 0.046 inches in thickness.
    - g) Wood
    - h) Stucco

### Section 21.06 Landscaping, Screening, and Buffering

- A. Purpose.** The purpose of this section is to provide consistent standards for landscaping, screening, and buffering provided within or along private properties. The standards herein establish the minimum and/or maximum requirements, as applicable, for all landscaping, screening, and buffering that is required or otherwise provided on a given private

property. Through the standards below, landscaping, screening, and buffering will:

- (1) Provide shade and reduce the heat-island effect of paved roadways.
- (2) Help absorb stormwater to reduce stress on stormwater management infrastructure.
- (3) Protect non-invasive, non-dangerous trees from removal.
- (4) Encourage additional planting of non-invasive species to enhance quality of life and quality of place.
- (5) Increase the canopy of tree foliage throughout Orange Township.
- (6) Reduce noise nuisances that may carry over between certain zones and districts.
- (7) Reduce visual nuisances by limiting views between certain zones and districts.
- (8) Restrict screening to a specific set of materials.

**B. Applicability.** The standards of this article apply to the following development or alterations of a private property:

- (1) New construction of a principal structure.
- (2) Expansion of an existing principal structure by 2,500 square feet or more.
- (3) Repair or rehabilitation of a property that, after review by the Zoning Inspector, would expand the gross floor area of a primary structure on the subject property by fifty percent (50%) or more.
- (4) Construction of a new parking area.
- (5) Expansion of an existing parking area by over 25% of the existing surface area.
- (6) Specific types of tree planting or removal per the provisions within this article.



**C. Exempt from Zoning Permit.** Unless otherwise provided, installation of landscaping, screening, and buffering does not require a zoning permit. Property alterations that do not comply with these provisions are subject to the proceedings in Article 29 – Enforcement.

**D. Landscaping plan requirements.** Any landscaping plans required as part of a zoning permit review shall provide a site plan of existing conditions and a site plan of proposed conditions that clearly identify the information described within this Section.

**E. Existing conditions site plan.** A site plan of existing conditions shall clearly identify:

- (1) Property lines.
- (2) Adjacent public rights-of-way.
- (3) Existing utilities and easements.
- (4) Existing building footprint(s).
- (5) Existing fencing, including a description of the height(s) and material(s).
- (6) Existing trash container or dumpster areas.
- (7) Areas of existing hardscaping (concrete and asphalt pavement).
- (8) Existing trees.
- (9) Areas of existing vegetative landscaping with the type of vegetation noted.

**F. Proposed conditions site plan.** A site plan of proposed conditions shall clearly identify:

- (1) Property lines.
- (2) Adjacent public rights-of-way.
- (3) Existing utilities and easements.
- (4) Existing building footprint(s).

- (5) Proposed building expansion(s) or demolition(s).
- (6) Proposed fencing, including a description of the height(s) and material(s).
- (7) Proposed trash container or dumpster areas.
- (8) Trees to be removed.
- (9) Type and quantity of trees to be planted.
- (10) Proposed areas of hardscaping (concrete and asphalt pavement).
- (11) Proposed areas of vegetative landscaping, with type and quantity of species listed out.
- (12) The person or group responsible for maintaining landscaping.

**G. Native species encouraged.** Native species are encouraged to be planted. Invasive species, as classified by the Ohio Department of Natural Resources, shall not be utilized to meet any landscaping, buffering, or screening requirement.

### Section 21.07 Street Tree Requirements

**A. Applicability.** Where this Section is made applicable by any work described in Section 21.06B, the requirements of Section 21.07 Street Tree Requirements apply within the districts specified in Table 21.07-A - Street Tree Applicability.

*Table 21.07-A - Street Tree Applicability*

Zone or District Name	Symbol	Applies
Commercial Corridor Zone	CC	●
Community Living Zone	CL	●
Farm Residential	FR-1	
Flex Employment Zone	FE	●
Mixed-Use District	MU	●

Zone or District Name	Symbol	Applies
Neighborhood Zone	N	●
<b>Table Notes:</b> ● = Applies		

**B. New street trees required.** 1 new tree shall be required for every 30 lineal feet of front lot lines for a given property. This calculation shall be rounded up to the next whole number of trees. (E.g., a property with a front lot line 29 feet long shall be required to plant 1 tree; a property with a front lot line 31 feet long shall be required to plant 2 trees.)

**C. Permitted locations of street trees.**

- (1) Where applicable, new trees shall be planted within the front yard(s) of the subject property, or within 500 feet of the subject property in the public right-of-way if approved by the Public Works Department. Street trees may not be located within the right-of-way unless explicitly approved in writing by the Public Works Department. Street trees that are planted without prior approval may be removed and disposed of by Orange Township.
- (2) The minimum spacing between tree trunks shall be no less than the minimum recommended spacing for the tree species.

**D. Credit for existing trees.** Upon confirmation by the Zoning Inspector, the requirements of this Section shall be considered partially or fully met, depending on the number of required street trees, if:

- (1) The public right-of-way within 500 feet of the subject property already has sufficient trees to meet these requirements; or
- (2) The subject property has a buffer yard along the adjacent public rights-of-way that contains a sufficient number of trees; or
- (3) The public right-of-way does not physically have enough room for additional trees at the time of application upon determination by the Public Works

Department (e.g., the roadway, curbing, and sidewalk completely fill the width of the public right-of-way).

### Section 21.08 Perimeter Landscaping Requirements

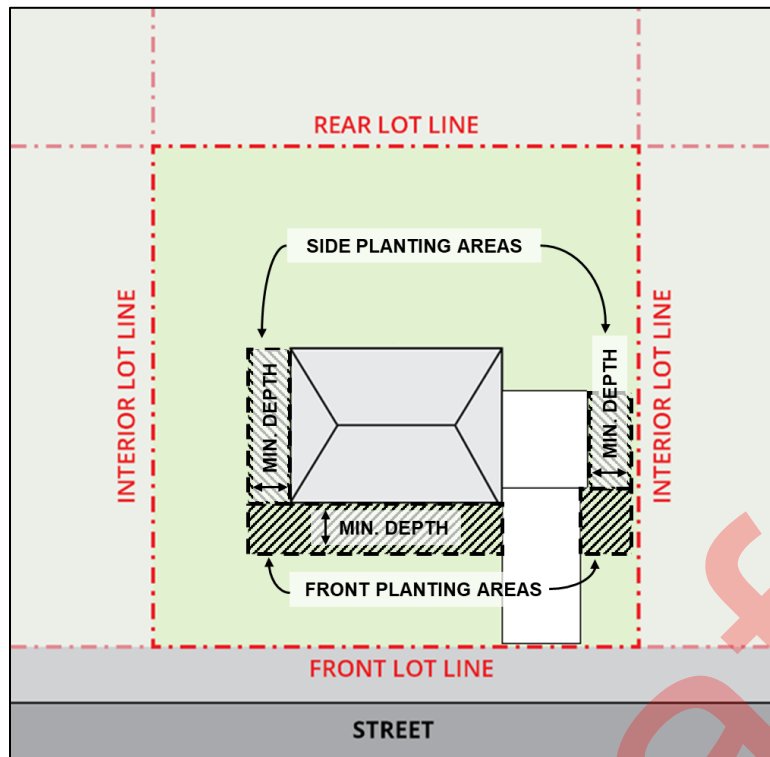
**A. Applicable districts.** The perimeter landscape requirements are generally applicable to the following districts and zones:

- (1) Flex Employment Zone (FE)
- (2) Commercial Corridor Zone (CC)
- (3) Mixed-Use District (MU)

**B. Landscaping required.** Excluding alterations to or for 1-2 unit residential uses, within the above specified districts and per the applicability standards provided in this section, buildings shall be surrounded by planting areas adjacent to the base of the building per the minimum depth as required per Table 21.08-A - Landscape Planting Requirements and as illustrated in Figure 21.08-A - Minimum Depth of Planting Areas.

Table 21.08-A - Landscape Planting Requirements

Zone, District, or Overlay Name	Minimum Depth of Planting Area (in feet)	
	Front Yard	Side Yard
Commercial Corridor Zone (CC)	5	3
Community Living Zone (CL)	5	3
Farm Residential (FR-1)	5	5
Flex Employment Zone (FE)	10	5
Mixed-Use District (MU)	5	3
Neighborhood Zone (N)	5	3

*Figure 21.08-A - Minimum Depth of Planting Areas*

- C. Encroachment into required planting areas.** Where planting areas are required, they may be crossed by walkways and vehicular pathways that are compliant with applicable provisions within this Zoning Resolution.
- D. Reduction of required planting areas.** The required minimum depth of a planting area may be reduced for the portions of a property where a building is approved to have a smaller setback than the minimum depth of a planting area.
- E. Materials within planting areas.** Planting areas shall be planted with a mix of trees and/or shrubbery, flowers, and/or living groundcover.
- F. Planting areas and bufferyards.** Required planting areas may overlap required bufferyards.

### Section 21.09 Bufferyard Requirements

**A. Bufferyard required.** Bufferyards are required to be constructed and/or planted when a new principal structure is built on a parcel that is zoned in one of the following districts, and where that parcel is adjacent to a separate zoning district:

- Flex Employment (FE)
- Commercial Corridor (CC)
- Community Living (CL)
- Mixed Use (MU)
- Planned Unit Development (PUD), provided that the approved permitted use is non-residential in nature.

**B. Adjacent properties.** Properties that are separated by a public right-of-way are considered adjacent for the purposes of this Section.

**Bufferyard design.** Where bufferyards are required, they shall be designed per the provisions in this section. Required bufferyards in the Mixed Use (MU) District and Community Living (CL) District shall be Type A Bufferyards, and required bufferyards in the Flex Employment (FE) District, the Commercial Corridor (CC) District, and Planned Unit Development (PUD) District shall be Type B Bufferyards.

*Table 21.09-A - Bufferyard Design Requirements*

Bufferyard Type	Bufferyard Depth	Required Tree Plantings per 100 Linear Feet	Required Shrubbery Plantings per 100 Linear Feet	Minimum Height of Screening
A	10 feet	4	30	4 feet
B	20 feet	6	50	6 feet

### Section 21.10 Screening Standards

**A. Screening required.** Screening is required around all outside or open-air:

- (1) Storage of trailers;
- (2) Non-vehicular equipment;
- (3) Tools and machinery;
- (4) Loading docks;
- (5) Containers (including ground-mounted shipping containers);
- (6) Consumer goods;
- (7) Outdoor sales and display;
- (8) Packaged wholesale merchandise (including merchandise on pallets); and
- (9) Trash containers or dumpsters.

**B. Permitted screening types.** Specified screening types are permitted per Table 21.10-A - Screening Standards.

*Table 21.10-A - Screening Standards*

Zone, District, or Overlay Name	Permitted Screening Types			
	Fence	Walls	Berm	Trees/Shrubs
Commercial Corridor Zone (CC)	●	●	●	●
Community Living Zone (CL)	●			●
Farm Residential (FR-1)	●		●	●
Flex Employment Zone (FE)	●	●	●	●
Mixed-Use District (MU)	●	●	●	●
Neighborhood Zone (N)	●			●
<b>Table Notes:</b> ● = permitted				

**C. Design of screening.**

- (1) Where screening is required, such screening shall effectively block views of required screening areas between grade level and a minimum of six (6) feet in height above grade level.
- (2) Some permitted fence types in Table 21.10-A - Screening Standards may not, alone, effectively block views and may require supplemental screening.

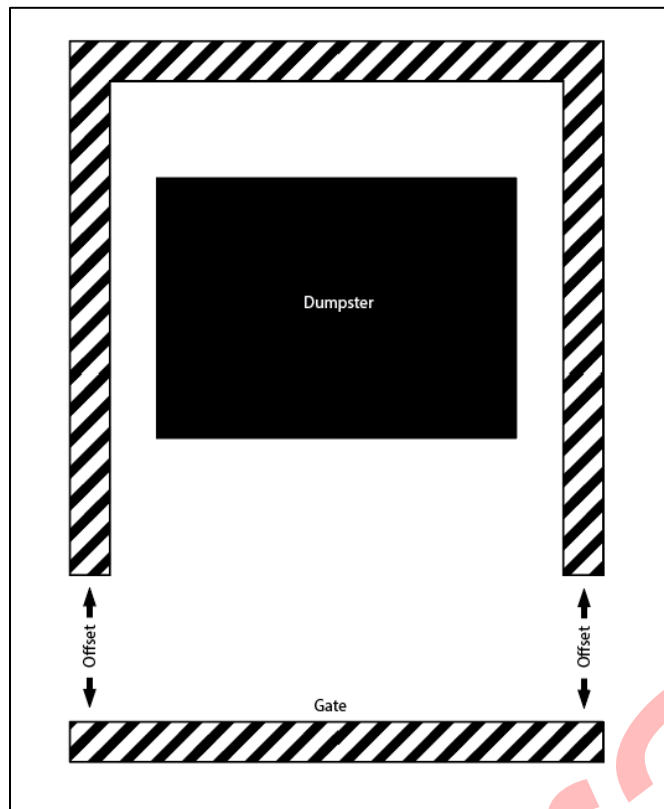
**D. Minimum and maximum height of screening.** All such screening shall be properly maintained in an orderly fashion and be a minimum of six (6) feet in height and no taller than twelve (12) feet in height. The maximum height restriction does not apply to trees that are included in screening.

**E. Screening of mechanical and service equipment.** All equipment for heating, ventilation, air conditioning, and similar devices shall be screened from direct view from a non-alley public right-of-way by a building (i.e., the devices are located behind a building on the subject property), or by landscaping and screening that meets the provisions of this Section.

**F. Screening of dumpsters and storage areas.** Trash containers, dumpsters, and storage areas shall be screened on three sides with a solid wall or fence that is a minimum of one foot taller than the trash container, dumpster, or the material within the storage area to be screened. A solid gate of the same height as the walls or fence shall be constructed for the fourth side. Per Figure 21.10-A - Potential Layout of Dumpster Screening, a horizontal offset between the gate and the walls or fence may be provided to allow pedestrian access to a dumpster without requiring the gate to be opened. The required walls or fence shall be accented with landscaping and shall be constructed in either:

- (1) The same materials as those used on the principal building (excluding materials that have transparency); or
- (2) A solid privacy fence.



*Figure 21.10-A - Potential Layout of Dumpster Screening*

- G. Restriction on front yard fences.** Front yards that are not part of an approved screening area may not be enclosed by screening taller than four (4) feet in height. This height restriction does not apply to trees that are planted in a front yard.

### Section 21.11 Landscaping Maintenance Standards

- A. Continued maintenance required.** The property owner shall be responsible for the continued proper maintenance of all landscaping materials and shall keep them in a proper, neat, and orderly appearance free from refuse and debris at all times.
- B. Unhealthy or dead landscaping replacement required.** Plants that are required as part of this Article, and that become unhealthy or that die must be replaced by the earliest of either one calendar year from their death or by the next planting season.

- C. Violations.** Violation of these maintenance standards shall be a violation of this Resolution.

### Section 21.12 Parking, Drive-Throughs, and Circulation

- A. Purpose.** The purpose of this section is to create orderly development of vehicular parking areas. The standards herein establish the minimum and/or maximum requirements, as applicable, for all parking area dimensions and design, setbacks, types of parking spaces, pedestrian connections, and landscaping requirements that are required or otherwise provided on a given private property. Through the standards below, parking, loading, and drive-throughs will:

- (1) Increase access for families to food, education, recreation, and jobs.
- (2) Not define the character of Orange Township.
- (3) Encourage and support safe and enjoyable pedestrian environments.
- (4) Promote multimodal connections between where a person lives and where they want to go.
- (5) Support the development of small businesses.
- (6) Provide options for property owners to develop land for productive uses.

- B. No change to existing parking areas.** An existing parking area that is not subject to reconstruction or expansion shall not be required to comply with this article.

- C. Substantial modifications to existing parking areas.** An existing parking area that is subject to the following types of work shall be required to comply with the provisions of this article:

- (1) Reconfiguration of a parking area (e.g., changing the location of a drive aisle or the orientation of a parking space).
- (2) Expansion of a parking area by four (4) or more additional parking spaces.

- D. References and terminology.** For the purposes of this section, “parking areas,” “parking lots,” and common derivatives of these terms in their singular and plural versions refer to the collective geographic area that includes parking spaces of any type, drive aisles, curbing, driveways, drive-throughs, and associated walkways and landscaping on a property, unless the context of a provision in this section clearly states otherwise.

### Section 21.13 Minimum and Maximum Parking Space Schedule

- A. Minimum and maximum parking spaces.** Table 21.13-A - Minimum and Maximum Parking Space Standards specifies the minimum number of provided parking spaces that shall be provided and the maximum number of parking space that may be provided on a given property.
- B. ADA parking spaces.**
- (1) Where off-street parking is required or voluntarily provided for any use other than a single-unit dwelling or two-unit dwelling, a minimum number of parking spaces shall be designed in compliance with the standards of the Americans with Disabilities Act.
  - (2) Parking spaces and access aisles designated and designed for people with disabilities shall be compliant with the specifications set forth in Section 208 and Section 502 of the Americans with Disabilities Act Accessibility Standards.

Table 21.13-A - Minimum and Maximum Parking Space Standards

Type of Use (Regardless of District or Zone)	Minimum Spaces	Maximum Spaces
Residential Uses	1 space per dwelling unit <sup>(1)</sup>	The maximum number of parking spaces shall be calculated as 90% of the total number of persons permitted in a location, at full capacity, as assigned/calculated by the Ohio Fire Code.  <b>Calculation:</b> <i>(Total Occupancy #)*(0.9) = Maximum Number of parking spaces</i>
Commercial Uses (Including Office Uses)	The lesser of (A) 0.5 spaces per person at full capacity; or (B) 1 space per 500 square feet of GFA	
Industrial Uses	The lesser of (A) 1 space per anticipated employee; or (B) 1 space per 10,000 square feet of GFA	
Mixed-Use Building	1 space per 600 square feet of GFA	
Public Uses	Decided per administrative approval	
<b>Table Notes:</b> GFA = gross floor area (1) A unit is a residential dwelling, not the number of bedrooms within a residential dwelling.		

### Section 21.14 Reductions to Minimum Parking Space Schedule

- A. Reduction for on-street parking.** Public on-street parking directly in front of a property's lot line may be calculated toward the minimum required parking spaces. Each counted parallel parking space shall be at least 20 feet in length.
- B. Reduction for shared parking.** A fifty percent (50%) reduction in the minimum number of required parking spaces shall be granted to all mixed-use or non-residential properties that develop a shared parking facility per Section 21.16 Shared Parking Spaces.
- C. Reduction for permeable paving.** A twenty-five percent (25%) reduction in the minimum number of parking spaces shall be granted for

the installation of permeable pavers, where such installation covers all portions of the parking lot except for drive aisles and drive-throughs.

#### Section 21.15 Minimum Parking Space Dimensions

- A. Parking space dimensions.** All parking spaces shall measure not less than 9 feet in width and 18 feet in length.
- B. Aisleways required.** All parking spaces shall be served by aisleways of sufficient width to permit easy and smooth access to all parking spaces.

#### Section 21.16 Shared Parking Spaces

- A. Parking for multiple uses on same property.** Nothing in this chapter shall be construed to prevent the joint use of off-street parking for two (2) or more buildings or uses on the same parcel of land if the total of such spaces, when used together, is not less than the sum of the requirements for the individual uses computed separately.
- B. Shared parking facility permitted.** A parking area qualifies as a shared parking facility, and specified parking spaces within will count towards any minimum required spaces per Section 21.13 Minimum and Maximum Parking Space Schedule, provided:
  - (1) The parking area serves two or more lots that have minimum parking requirements that are within 300 feet of the parking area.
  - (2) Any spaces required or provided must comply with all other applicable standards of this Zoning Resolution.

#### Section 21.17 Location of Parking Areas

- A. Parking area on unimproved lot.** For any parking area on a lot that does not contain a principal structure, the parking area may not be closer to the front lot line than any front-facing exterior wall of any principal structure on any side-adjacent lot(s). For this requirement, a

side-adjacent lot is a lot that abuts the lot in question and fronts the same street or streets as the lot in question.

- B. Parking on driveways permitted.** These provisions shall not be construed to prohibit vehicles from parking upon a paved driveway, even when such driveway is closer to a front lot line than any front-facing exterior wall of any principal structure(s) on the same lot.
- C. Obstruction of sidewalks.** Vehicles shall not be parked in such a manner that obstructs a clear path a minimum of four feet wide along a sidewalk or pedestrian path.
- D. Parking in yards prohibited.** No vehicle shall be parked in a yard or grassy area.
- E. Off-site location of parking area.**
  - (1) Parking may be located off-site as long as it is within 500 feet of an entrance to the building or site, connected by a paved pedestrian walkway.
  - (2) If the off-site parking is not under common ownership with the property for which the parking is provided, then a legal covenant or similar instrument permitting the use of the off-site parking shall be provided to the Township to demonstrate compliance with required parking provisions.
- F. Setbacks of parking areas.** Unless explicitly exempted, any parking area must comply with the applicable minimum setbacks of its district or zone per Section 21.04 - Dimensional Standards.

### Section 21.18 Pedestrian Walkways in Parking Areas

- A. Pedestrian walkway required.**
  - (1) All parking areas that contain 50 or more parking spaces shall incorporate at least one pedestrian walkway through the parking area to an abutting sidewalk or an abutting non-alley public right-of-way (if no sidewalk is available).

- (2) Where a lot includes a primary structure or is planned to include a primary structure, the required pedestrian walkway shall directly connect adjacent sidewalks on each street frontage with the primary entrance(s) of the primary structure.
- (3) Pedestrian walkways shall connect parking areas for the establishment's employees of the primary use and visitors with the primary entrance(s) of the primary structure.

**B. Proximity between parking space and walkway.** No parking space shall be further than 100 feet from a pedestrian walkway, as measured by a straight line between an edge of the parking space and an edge of the paved pedestrian walkway.

**C. Design of pedestrian walkways.**

- (1) Pedestrian walkways shall be at least four (4) feet wide and shall be unobstructed by vegetation, parking spaces, steps, utility poles, any other permanent objects, and parked vehicles.
- (2) A three-foot, six-inch (3' 6") tall bollard at the end of a parking space; a six-inch (6") tall wheelstop within two (2) feet of the end of a parking space; or a similar device appropriately spaced from the end of a parking space shall be provided at or near the end of a parking space that abuts any pedestrian walkway, including a public sidewalk.
- (3) On lots with one or more commercial use(s), required pedestrian walkways shall be at least five feet in width and must be paved with a material that meets or exceeds the Americans with Disabilities Act accessibility requirements.

**D. Markings required.** If the pedestrian walkways are abutting or within a vehicle use area, the pedestrian walkways shall be clearly marked and distinguished with reflective pavement markings. Vehicle use lanes

within parking areas should be designed to avoid crossing unprotected pedestrian walkways.

**E. Slowing ramp or hump required.**

- (1) A slowing ramp as described below is required in parking areas that have 50 or more parking spaces.
- (2) If a pedestrian walkway is crossed by a vehicle use lane, such as a drive aisle or a drive-through, the pedestrian walkway must be constructed so that its elevation is at least four inches higher than the elevation of the vehicle use lane.
- (3) To cross such an elevated pedestrian walkway, vehicles must mount the elevated pedestrian walkway via a ramped paved surface with at least a 1:1 rise-over-run steepness; effectively slowing the vehicles and enhancing pedestrian safety. Alternatively, a speed hump of at least four inches of height can be installed in the vehicle use lane no more and no less than two feet from the outside edges of the pedestrian walkway.
- (4) Any ramp, hump, or similar device shall be striped or painted to make such ramp, hump, or similar device visible to drivers and pedestrians.

### Section 21.19 Parking Area Surfaces

- A. **Stable surface required.** Parking areas shall have improved surfaces that do not contribute dust, gravel, sand, or soil to the air, water, or ground surface outside of the lot.
- B. **Permeable pavers permitted with limitations.** Permeable pavers are allowed with written approval from the Fire Department and are encouraged for all areas of a surface parking lot except for drive aisles and drive-through lanes, which shall be paved with asphalt or concrete. Soil within and between permeable pavers shall not be planted with grass.



**Section 21.20 Parking Lot and Drive-Through Landscaping**

**A. Perimeter landscaping required.** Based on the district or zone, parking areas and drive-throughs shall provide perimeter landscaping in certain yards per Table 21.08-A - Landscape Planting Requirements.

**B. Interior landscaping required.**

*Parking areas and drive-throughs shall provide a minimum surface area of landscaping and a minimum number of trees within the boundaries of the parking area per*

- (1) Table 21.20-A - Interior Parking Area Landscaping.
  - (2) Pedestrian walkways and other paved surfaces shall not be counted as part of the surface area of provided landscaping.
- C. Landscaping design.**
- (1) Interior landscaping shall be dispersed across the parking area to break otherwise uninterrupted expanses of pavement into smaller areas.
  - (2) Interior landscaping may be located along internal pedestrian walkways as a means of protecting the walkway.
  - (3) Mulch is prohibited as a landscaping material within or around parking areas or drive-throughs.

*Table 21.20-A - Interior Parking Area Landscaping*

Total Surface Area of Existing or Proposed Parking Area	Minimum Required Surface Area of Landscaping	Minimum Required Number of Trees
Less than 2,000 ft <sup>2</sup>	None	None
2,000 ft <sup>2</sup> to less than 20,000 ft <sup>2</sup>	Four percent (4%) of total parking area surface	1 tree per every 200 ft <sup>2</sup> of required interior landscaping area
20,000 ft <sup>2</sup> to less than 100,000 ft <sup>2</sup>	Six percent (6%) of total parking area surface	
Over 100,000 ft <sup>2</sup>	Eight percent (8%) of total parking area surface	
<b>Table Notes:</b> ft <sup>2</sup> = square feet		

### Section 21.21 Drive-Through Standards

- A. Permitted locations.** Drive-throughs are permitted only within specific zoning districts as specified in Section 5.02 - General Permitted Uses and Interpretation.
- B. Queued vehicle capacity.** All queuing vehicles shall be located on the lot on which the drive-through services are being provided and shall not interfere with the movement of vehicles or pedestrians on public rights-of-way.
- C. Bypass lane required.** All establishments with drive-throughs must provide a by-pass lane whereby vehicles may exit the lot at any point without proceeding through the drive-through lane.
- D. Menu board design.** Menu boards may not flash or have any visible bulbs. All menu boards shall be oriented toward the drive-through aisle that they are serving.

- E. Noise restrictions.** Drive-through speakers shall not be audible from adjacent properties. Drive-through speakers shall not emit outdoor music.
- F. Landscaping required.** Landscaping between drive-throughs and adjacent rights-of-way or separate properties shall be required per Section 21.20 Parking Lot and Drive-Through Landscaping.

### Section 21.22 Loading Area Standards

- A. Loading facilities.** The requirements for commercial off-street loading facilities shall be provided in accordance with the following standards for any new structure which requires the receipt or distribution of materials or merchandise by trucks or similar commercial vehicles.
- B. Location of loading berths.** All required loading berths shall be located on the same lot as the use served.
- C. Minimum distance from residential structures.** Loading facilities shall not be located within two hundred (200) feet of a residential structure, except where the loading facility is being installed within a mixed-use structure.
- D. Minimum distance from an intersection.** No permitted or required loading berth shall be located within 50 feet of the curb line or pavement edge of an intersection with two (2) or more streets.
- E. Required construction materials.** All off-street loading berths shall be surfaced with concrete or other similar solid material that does not cause or create dust when driven over.
- F. Minimum setback of loading area.**
  - (1)** Loading areas shall not be located closer to a street or road than the primary structure on the same lot, except where the loading area is located on a through-lot.

- (2) Loading areas visible from a non-alley public right-of-way on a through-lot must be fully shielded through screening and/or landscaping.
  - (3) Within the Flex Employment (FE) zone, loading areas shall not face a public right-of-way or shall be completely shielded from view from the public right-of-way by a non-loading-area portion of a building.
- G. Maneuvering restrictions.** Loading and unloading activities, including trucks positioning to access loading facilities, shall not interfere with the orderly and safe movement of pedestrians, bicyclists, and vehicular traffic on any public right-of-way.
- H. Loading spaces differ from parking spaces.** Loading spaces shall be provided as an area additional to off-street parking spaces and shall not be considered as supplying off-street parking space.

### Section 21.23 Sidewalks and Walkways

- A. Applicability of sidewalk and walkway requirements.** Except where otherwise provided, the requirements of this section apply to all front lot lines on a property used for a non-residential principal use where any of the following occurs after the effective date of this Resolution:
- (1) A new principal structure is constructed; or
  - (2) An existing principal structure is expanded by more than 25% of its gross floor area; or
  - (3) An existing parking area is expanded by more than 25% of its surface area or previously provided number of parking spaces.
- B. Multi-use path and sidewalks required.** All arterial and collector roads in Orange Township shall have a multi-use path that is at least 10 feet wide along one side of the road and a sidewalk that is at least 5 feet wide along the opposite side of the road.
- C. Sidewalks required.** All local roads in Orange Township shall have a sidewalk that is at least 5 feet wide along both sides of the road.

- D. Curb ramps and crosswalk standards.** All curb ramps and crosswalks across Orange Township shall be installed per the accessibility standards of the Americans with Disabilities Act.
- E. Construction in right-of-way allowed.** Multi-use paths and sidewalks may be constructed within the road right-of-way when allowed by the appropriate authorities.
- F. Construction outside of right-of-way.** When construction of a multi-use path or a sidewalk is not authorized within the public right-of-way, the required multi-use paths and/or sidewalks must be constructed immediately outside of the right-of-way within an easement designated for such public use.

#### Section 21.24 Economic Development Policies

- A. New Community Authority Policy** All zoning districts and rezoning requests are subject to the currently adopted New Community Authority policy of Orange Township. Where applicable, the applicant of any zoning permit must demonstrate compliance with the New Community Authority policy and submit proof of compliance to the Zoning Inspector prior to the issuance of the zoning permit in question.

#### Section 21.25 Floodplain Regulation

- A. Floodplain Regulation.** Certain limited areas of the township lie within the floodplain of the Olentangy River, and Alum Creek. Inundation of those areas during periods of high water can impose great loss of property value unless controls are imposed to ensure that land uses within those areas consider such risks and minimize the impact of such flooding. Further, the addition of fill material to, or the dredging of, the Olentangy River, Alum Creek and bordering wetlands imposes additional risks of flooding and threaten their loss as irreplaceable township natural resources and as areas of scenic and natural beauty. In an effort to control such uses, in the best interest of the township, and

in addition to all other provisions of this zoning resolution, the following regulations shall be imposed.

- (1) The zoning inspector shall maintain on file for public examination: the Flood Insurance Rate Maps (FIRM) for Delaware County, Ohio and incorporated areas published by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program (NFIP) and all revisions and amendments thereto, as applicable to Orange Township, delineating the boundaries within the township of all lands designated "floodplain." In the event a property owner contests the boundaries of such floodplain they shall be given reasonable opportunity to present technical evidence to support their position.
- (2) Open space uses shall be permitted within the floodplain to the extent that they are permitted within the zoning district controlling use of said land and provided they do not require structures, fill or storage of material or equipment.
- (3) No structure otherwise permitted under this zoning resolution shall be erected or altered within the floodplain, and no use otherwise permitted under this zoning resolution shall be permitted within the floodplain, which will adversely affect the efficiency or which will unduly restrict the capacity of the channel or floodway of any tributary to the main stream, drainage ditch or other drainage facility or system.

## ARTICLE 22. Signage

### Section 22.01 Applicability

- A. Effect of regulations.** It shall hereafter be unlawful to construct, install, place, relocate, expand, modify, maintain, or otherwise alter a sign in the Township except in accordance with the provisions of this article.
- B. Zoning permit required.** Unless otherwise provided by this article, all signs shall require a zoning permit per Section 25.02 - Zoning Permits, Applications.
- C. Affects all visible signage.** Unless otherwise provided, this article shall apply to any sign, in any zoning district or zone, that is visible from a public right-of-way or from an adjacent property.
- D. Previously established signage.** Any sign established prior to the effective date of this Zoning Resolution, and which is rendered nonconforming by the provisions herein, shall be subject to the nonconforming sign regulations of Section 22.10 - Non-Conforming Signs.

### Section 22.02 Exemptions

- A. Emergency signage.** The provisions of this article shall not be construed to prevent or restrict the installation and maintenance of any emergency signage installed by public officials or their designees over the course of an emergency, such as warnings for road hazards and weather conditions, directions for evacuation orders, and similar or related events.
- B. Certain signs exempted.** The following signs do not require a zoning permit, however, they are still subject to any applicable regulations within this article:
  - (1)** Any sign located entirely within buildings or other structures and/or otherwise not visible from a public right-of-way or adjacent property.

- (2) Cornerstone inscriptions or other signs that are carved into masonry.
- (3) Signs of less than one square foot each in sign area.
- (4) Bulletin boards and bulletin board signs, as defined herein.
- (5) Signs and/or notices issued by any court, officer, or other person in performance of a public duty.
- (6) For the purposes of safety and emergency access, signs indicating the street number of a building or structure are permitted without a zoning permit but shall not exceed three square feet in sign area.
- (7) Any sign on a truck, bus or other vehicle that is used in the normal course of a business for transportation.
- (8) Any holiday lighting, signs, or related decorations.
- (9) Painted signs, decals, or other signs located directly inside or on the window and/or door of the ground floor of a commercial use, if less than 50 percent (50%) of the area of a windowpane.
- (10) Door signs if less than three square feet in total area and not more than one sign per door.
- (11) Government mandated signs in compliance with the manual of uniform traffic control devices that comply with the requirements of state law for such signs placed or required to be placed by a government entity.
- (12) Menu signs/ordering kiosks placed adjacent to a commercial drive through, with a maximum of four such signs per property, so long as any ground-mounted menu sign does not exceed 50 square feet and any wall-mounted menu-sign does not exceed nine square feet.
- (13) Yard Signs – Small, including temporary yard signs that are no larger than twelve (12) square feet and that are installed for no more than 90 consecutive days after which time they are removed. Such exemption shall be limited to up to two yard signs per property and shall apply only within the Community



Living (CL), Mixed-Use (MU), Neighborhood (N), Planned Unit Development (PUD), and Farm Residential (FR-1) zones.

- (14) One wall sign is permitted on each individual lot used for residential purposes provided the sign is mounted flush to the façade of the principal dwelling and does not exceed one square foot.
- (15) Flags of any fabric or bunting containing colors, patterns, or symbols and their associated flagpole or similar structure attached to a building or to the roof of a building, on a parcel of record and used for the sole purpose of displaying flags, the height of which shall be measured from the average grade.
- (16) A-frame or T-frame sign.
- (17) One neon (or LED tube or rope lighting resembling neon) window sign not larger than three (3) square feet in total area per individual tenant suite. Such a sign shall not implement any flashing or blinking.
- (18) Signs installed by the State of Ohio or the United States Federal Government.

### Section 22.03 Prohibited Signs and Sign Elements

**A. Prohibited sign types.** The following types of signs shall be prohibited:

- (1) Animated signs.
- (2) Beacons.
- (3) Pole signs.
- (4) Searchlights.
- (5) Signs which are not securely affixed to the ground or are not otherwise affixed in a permanent manner to an approved supporting structure, unless specifically permitted as a temporary sign.

**B. Prohibited sign locations.** Unless explicitly permitted elsewhere within this Resolution, signage is prohibited from being installed within, on, or at the following locations:

- (1) Fire escapes.
- (2) Public rights-of-way.
- (3) Roofs or rooftops, except for identification signage on buildings associated with an agricultural use.
- (4) Trees, rocks, and other natural features.

**C. Prohibited signage performance standards.** Signage shall not:

- (1) Conflict with any Township or State building, fire, or electrical codes.
- (2) Imitate or resemble an official sign, signal, or device that directs vehicular traffic.
- (3) Obstruct any means of ingress, egress, or ventilation.
- (4) Pose a threat to public health and safety, including by nature of visible dilapidation of the signage and/or its associated supportive structure.

**D. Vehicular signage restrictions.** Signs on vehicles viewable from a public road that meet the definition of a type, dimension, placement, illumination, or other element of signage not otherwise allowed by this Zoning Resolution shall be prohibited, provided:

- (1) Vehicle signs include those attached to or placed on a vehicle or trailer.
- (2) Vehicles or trailers shall not be parked continuously in one location to be used primarily as additional signage.
- (3) These restrictions do not apply to a non-commercial vehicle that is legally parked on private property.

- E. Prohibited content.** Signs that contain words, pictures, or statements which are obscene, as defined by the Ohio Revised Code Section 2907.01 (as may be amended) are prohibited.

#### Section 22.04 General Signage Standards

- A. Additional code compliance.** Permanent signs shall be constructed in compliance with all applicable regulations of the Township or State's applicable building, fire, or electrical codes, as may amended.
- B. Measurement standards.** Sign surface area and sign height shall be measured according to the provisions of Section 2.05.
- C. Interference with traffic prohibited.** No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.
- D. Interference with ingress/egress prohibited.** No sign shall obstruct or interfere with fire ingress or egress from any door, window, or fire escape, nor shall it obstruct or interfere with traffic or traffic visibility, or resemble or imitate signs or signals erected by the Township or other governmental agency for the regulation of traffic or parking.
- E. Animation prohibited.** No part of a sign shall have animation, moving parts, flashing lights or changing colors unless specifically permitted by Section 22.05 – Sign Illumination.
- F. Secure installation required.** All signs shall be secured in such a manner as to prevent swinging or other significant noticeable movement, not including movement related to electronic message centers.
- G. Minimum setbacks.** Unless otherwise specifically stated, all permanent signs hereafter erected, constructed, or modified shall be set back a minimum of 15 feet for Highway 23, and no less than 5 feet from all

other rights-of-way and in all cases shall permit full visibility within the vision triangle as defined by the Delaware County Engineer's Office.

- H. Removal of abandoned signs.** Signs, signposts, or sign mounting hardware which are no longer functional, or are abandoned, shall be removed in compliance with the provisions of this Zoning Resolution, within 90 days following such dysfunction or abandonment. For purposes of this section, "abandoned" means the owner or user of the sign has completely given up the use of the sign for the purpose it was intended as ascertained by the reasonable investigation and inquiry of the Zoning Inspector.
- I. Removal of signage from right-of-way.** Unless explicitly authorized, the Township may remove any signage installed in a right-of-way at the cost of the owner of the sign. The owner of the sign or their designee may retrieve removed signage from the office of the Zoning Inspector. Signage removed from a right-of-way that is not claimed within 30 calendar days of removal shall be destroyed.

### Section 22.05 Sign Illumination

- A. Illumination standards.** All signs, except as specifically stated in this article, may be illuminated by internal or external light sources, provided: that such illumination shall:
- (1)** Such illumination shall be shielded from all adjacent residential buildings and all streets.
  - (2)** Such illumination shall not have an intensity to cause glare visible to pedestrians or vehicle drivers, nor shall the illumination produce a glare onto properties other than the subject property.
  - (3)** Such illumination shall not incorporate lighting that flashes on or off, that moves or illustrates movement, or that displays changing degrees of intensity in illumination. This regulation applies to signs located outside of buildings and to window signs inside buildings that can be seen from a public right-of-

way or adjacent property. This prohibition on flashing, moving, or intermittent lighting shall not apply to permitted electronic message centers as regulated by Section 22.06.

- (4) Such illumination shall not obstruct traffic control or other public information signs.

#### **Section 22.06 Electronic Message Center (EMC) or Changeable Copy Sign**

**A. Permitted locations.** EMCs are permitted only for public and governmental uses, such as schools, libraries, and government buildings, subject to the other standards of this section.

**B. Sign area limitation.** An EMC shall not comprise more than fifty percent (50%) of the permitted sign area for a given sign.

**C. Required lighting functions of EMC.**

- (1) EMCs shall be equipped with light emitting diodes (LED) technology or similar lighting device.
- (2) Any electronic message center that is located within 300 feet of any residential use must automatically turn off between the hours of 11:00 p.m. and 6:00 a.m. daily.
- (3) EMCs shall be designed to display a full black screen or turn off in the event of a malfunction.
- (4) The EMC shall come equipped with an automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions.
- (5) The brightness level shall not increase by more than 0.3 foot candles over ambient levels (or 3.23 lumens per square meter or lux) as measured using a foot candle meter at a given distance.

**D. Design of EMC.**

- (1) An electronic message sequence may be accomplished by means of fading, dissolving, or instant changes, but shall not scroll, travel, or flash. A transition sequence must be completed in no more than two (2) seconds.
  - (2) EMCs shall display any given static image for no less than eight (8) seconds.
  - (3) Other than through fading or dissolving, no portion of any sign may change its message or background in a manner or by a method of display that is characterized by motion, or by pictorial imagery that depicts action or a special effect to imitate movement, or by the presentation of pictorials or graphics displayed in a progression of frames that give the illusion of motion or the illusion of moving objects, or by moving patterns and bands of light, or by the use of expanding or contracting shapes.
- E. Portable EMCs prohibited.** Portable electronic message signs are prohibited. This provision shall not be construed to prevent installation of signage by government entities for official use include directing traffic during construction or road projects.
- F. Temporary EMCs prohibited.** No EMC shall be permitted to be included as part of any limited duration sign.
- G. Process for measuring brightness.** The procedure and distances for measurement of brightness shall be as established by the International Sign Association's Recommended Night-time Brightness Levels for On-Premise EMCs.

### Section 22.07 Permanent Signs for Residential Uses and Residential Subdivisions

**A. Signs for individual dwellings.**

- (1) One wall sign is permitted on each individual lot used for residential purposes provided the sign is mounted flush to the façade of the principal dwelling and does not exceed one (1) square foot. Such sign shall not be directly or

internally illuminated. A zoning permit shall not be required for this type of sign.

- (2) For dwellings where a home occupation or bed and breakfast is located, one ground-mounted sign, or one wall sign, or one window sign is permitted per lot with a maximum sign area of three (3) square feet and a maximum height of three feet for ground-mounted signs.
- (3) Except for address markers, signage for residential uses and on residential properties shall not be illuminated.

**B. Entrance signs at multi-unit residential developments or subdivisions.** *Entrance signage shall be permitted at multi-unit developments and subdivisions per the provisions of Table 22.07-A – Entrance Signage for Multi-Unit Residential Development and Subdivisions. Table 22.07-A - Entrance Signage for Multi-Unit Residential Development and Subdivisions*

*Table 22.07-B - Permanent Signs for Residential Uses and Residential Subdivisions*

Element	Type of Sign – Entrance to Multi-Unit Residential Development or Subdivision <sup>(1)</sup>	
	Ground-Mounted Signage	Wall Signs
<b>Maximum Number of Signs</b>	1 per vehicular entrance to the development or subdivision on a collector or arterial street	2 per vehicular entrance to the development or subdivision on a collector street
<b>Maximum Surface Area (per Side)</b>	30 square feet	30 square feet
<b>Maximum Height</b>	8 feet	N/A
<b>Minimum Setback from Public Right-of-Way</b>	5 feet	5 feet
<b>Minimum Setback from Abutting Property</b>	10 feet	N/A
<b>Location of Signs</b>	On a collector or arterial street	On a decorative wall or fence generally parallel to a collector street
<b>Permitted Illumination</b>	Shielded exterior light source	Shielded exterior light source
<b>Table Notes:</b> (1) A permitted subject property may have ground-mounted signage or wall signs but shall be prohibited from having both ground-mounted signage and wall signs.		

## Section 22.08 Permanent Signs for Non-Residential Uses, Districts, and Zones

**A. Applicability by use or district.** This section applies to signage for institutional uses and signage within the following districts and zones, collectively referenced as non-residential districts and/or zones:

- (1) Commercial Corridor Zone (CC)
- (2) Flex Employment Zone (FE)



(3) Neighborhood Commercial (C-2)

(4) Mixed-Use District (MU)

**B. Exemption.** Within the districts and zones listed above, any properties and subdivisions that are 100% residential shall be exempt from this section and shall be subject to the provisions in Section 22.07 – Permanent Signs for Residential Uses and Residential Subdivisions.

**C. Signage classifications.** Permanent signs for non-residential districts and uses shall be classified per Table 22.08-A - Sign Classifications (Non-Residential Uses, Districts, and Zones).

*Table 22.08-A - Sign Classifications (Non-Residential Uses, Districts, and Zones)*

Sign Classification	Associated Sign Types
<b>Building Signs</b>	Awning sign Canopy sign Marquee Painted wall mural Projecting sign Wall sign
<b>Freestanding Signs<sup>(1)</sup></b>	Ground-mounted sign Monument sign Other signage not affixed to a building
<b>Table Notes:</b> (1) The base of a freestanding sign shall not be a pole or multiple poles.	

**D. Building signs.** There is no restriction on the maximum number of building signs, but the total square footage of any individual sign may not exceed the maximum building sign area allowance as calculated in Table 22.08-B - Maximum Wall Sign Area Allowance.

Table 22.08-B - Maximum Wall Sign Area Allowance

Type of Building	Maximum Cumulative Size of Wall Signs
<b>Smaller-Scale Non-Residential Building (150,000 ft<sup>2</sup> or less of GFA)</b>	3 ft <sup>2</sup> per lineal foot of building façade on which the sign is located <sup>(1)</sup>
<b>Large-Scale Nonresidential Buildings with a Single Tenant (&gt;150,000 ft<sup>2</sup> of GFA)</b>	No larger than 5% of the total façade area of the building façade on which the sign is located
<b>Large-Scale Non-Residential Building with Multiple Tenant Spaces (&gt;150,000 ft<sup>2</sup> of GFA)</b>	3 ft <sup>2</sup> per lineal foot of building façade on which the sign is located <sup>1</sup>
<b>Table Notes:</b> ft <sup>2</sup> = square feet (1) For properties with multiple tenants, the ratio shall be applied to the building façade width (in lineal feet) assigned to each individual tenant.	

**(1) Additional Regulations Applicable to Wall Signs**

- (i) Wall signs shall be mounted on or flush with a wall and shall not protrude more than 18 inches from the wall or face of the building to which it is attached.
- (ii) Wall signs shall not extend above a parapet wall to which they are attached.
- (iii) Wall signs shall not extend above a roofline where they are attached to non-parapet walls.
- (iv) A wall sign must be mounted on the façade wall or mounted on a raceway.
- (v) Wall signs shall not include electronic message centers.
- (vi) Wall signs may only be illuminated through the following methods:

- a) Indirect lighting methods such as gooseneck lighting;
- b) Individual reverse channel letters (halo-lit or reverse-lit);
- c) Individual channel letters with transparent plastic covering to shield the source of illumination; or
- d) Internally illuminated cabinet sign faces where the sign face is completely opaque except for translucent letters, numbers, symbols, logos, and characters.

**(2) Additional Regulations Applicable to Canopy or Awning Signs**

- (i) All components of the awning or canopy shall have a minimum clearance of eight feet from the sidewalk and 15 feet above any driveway or vehicular use area.

**(3) Additional Regulations Applicable to Projecting Signs**

- (i) A projecting sign that is attached perpendicular to the wall to which it is affixed may project up to four feet from the front of the building.
- (ii) The maximum sign area for any single projecting sign shall be 15 square feet.
- (iii) A projecting sign shall in no case project any closer than two feet from a curb, measured vertically from the outside edge of the curb.
- (iv) All components of the projecting sign shall have a minimum clearance of eight feet from the sidewalk and 15 feet above any driveway or vehicular use area.
- (v) Projecting signs shall be separated from other projecting signs by a minimum of 15 feet.
- (vi) Projecting signs may be internally or externally illuminated.

**E. Freestanding signs.**

- (1) Freestanding signs must be ground mounted and may not be affixed or mounted to a pole or multiple poles.
- (2) One freestanding sign of a size and height permitted in Table 22.08-C - Freestanding Sign Standards shall be permitted on each street frontage.
- (3) All freestanding signs shall be set back a minimum of five (5) feet from all rights-of-way and from adjacent lot lines and 50 feet measured along the right-of-way from any adjacent lot in a residential zoning district or used solely for residential uses.
- (4) All permanent freestanding signs shall be located in a landscaped area equal to or larger than the total sign area of the applicable sign. Such landscaped area may be an area that fulfills any landscaping requirements of this Zoning Resolution.
- (5) Exposed sign foundations shall be constructed with a finished material such as brick, stone, or wood, or another high-quality material approved by the Zoning Inspector.
- (6) The dimensional standards for freestanding signs are displayed in Table 22.08-C - Freestanding Sign Standards.

*Table 22.08-C - Freestanding Sign Standards*

Maximum Sign Areas and Height for Freestanding Signs						
	Freestanding Sign Distance from Right-of-Way					
	5 to 24.9 Feet		25 to 39.9 Feet		40 or More Feet	
	Maximum Sign Area	Maximum Sign Height	Maximum Sign Area	Maximum Sign Height	Maximum Sign Area	Maximum Sign Height
<b>Non-Residential Freestanding Signs</b>	30	6	50	8	75	8

### Section 22.09 Temporary Signs

**A. Temporary signs, generally.** The following standards apply to all temporary signs:

- (1) Specified temporary signs shall be exempt from requiring a zoning permit per Section 22.02 - Exemptions.
- (2) Temporary signs shall not be mounted, attached, affixed, installed, or otherwise secured in a manner that will make the sign a permanent sign.
- (3) No temporary sign shall be mounted, attached, affixed, installed, or otherwise secured so that it protrudes above the roofline of a structure.
- (4) Unless otherwise specifically stated, temporary signs shall not be illuminated.
- (5) No temporary sign shall require a foundation, support, wiring, fittings, or elements that would traditionally require a building permit or electrical permit.
- (6) No streamers, spinning, flashing, or similarly moving devices shall be allowed as part of or attachments to temporary signs unless approved through a special event permit.
- (7) All temporary signs shall be secured in such a manner as to prevent swinging or other significantly noticeable movement resulting from the wind that could pose a danger to people, vehicles, or structures.
- (8) Mobile signs on wheels, runners, casters, parked trailers, parked vehicles, or other temporary or movable signs shall not be permitted unless otherwise specifically stated in this chapter.
- (9) Because of the nature of materials typically used to construct temporary signs and to avoid the unsightliness of deteriorating signs and all safety concerns which accompany such a condition, temporary signs shall be removed or replaced when such sign is deteriorated as determined by the Zoning Inspector.

**B. Temporary signs in residential zoning districts or in a residential PD.**

- (1) Up to a total of 24 square feet of temporary signs are permitted on each lot in a residential zoning district, including any lot in a residential PD.
- (2) Permitted temporary signs shall be limited to yard signs or banner signs and shall not exceed a cumulative total of 24 square feet.
- (3) The maximum sign area for any individual sign shall be 24 square feet with a maximum height of four feet.
- (4) Banner signs may be up to 24 square feet and shall not be erected for a duration longer 60 days.
- (5) Because of the nature of materials typically used to construct temporary signs and to avoid the unsightliness of deteriorating signs and all safety concerns which accompany such a condition, temporary signs shall be removed or replaced when such sign is deteriorated as determined by the Zoning Inspector.
- (6) In lieu of the above regulations, any nonresidential use located in a residential zoning district shall be permitted the same amount of temporary signs permitted in non-residential zoning districts, per section C) below.

**C. Temporary signs in nonresidential zoning districts.** The following standards apply to temporary signs that are allowed on any lot in a nonresidential zoning district or in a nonresidential PD:

- (1) Up to a total of 24 square feet of temporary signs are permitted on each lot.
- (2) The signs are limited to yard signs or banner signs subject to the sign-specific standards in Table 22.09-A - Temporary Sign Allowances.
- (3) There shall not be a maximum number of signs but the maximum sign area for any individual sign shall be six square feet with a maximum height of four feet.

- (4) Because of the nature of materials typically used to construct temporary signs and to avoid the unsightliness of deteriorating signs and all safety concerns which accompany such a condition, temporary signs shall be removed or replaced when such sign is deteriorated as determined by the Zoning Inspector.
- (5) A zoning permit shall be required for any sign over 24 square feet in sign area unless otherwise stated in this section.
- (6) Table 22.09-A - Temporary Sign Allowances establishes the total square footage, height, and allowances for temporary signs allowed on each individual lot, in applicable nonresidential zoning districts.
- (7) Pennant signs and temporary Yard Signs in non-residential districts shall be set back at least 5 feet from any public or private right-of-way.
- (8) Balloon or air-activated graphics may only be active during normal business hours for the retail or service business that applies for the permit.

Table 22.09-A - Temporary Sign Allowances

Sign Type	Standards		
	Maximum Sign Area	Maximum Sign Height	Time Limits
<b>A-Frame or T-Frame Sidewalk Signs (Non-Residential Districts Only) <sup>(1)</sup></b>	8 square feet	4 feet	Limited to the business' hours of operation
<b>Balloon or Air Activated Graphics (Retail and Services Uses Only)</b>	50 square feet	12 feet	7 consecutive days, one time per calendar year
<b>Banner Signs</b>	24 square feet	Shall not extend above the roofline of a building or structure on which it is mounted	Maximum 14 consecutive days, 2 times per calendar year; new businesses may erect temporary banner sign for up to 30 days
<b>Pennant Sign</b>	24 square feet	8 feet	14 consecutive days, 2 times per calendar year
<b>Yard Signs – Small</b>	24 square feet	5 feet	14 consecutive days, 4 times per calendar year
<b>Table Notes:</b> (1) A-frame or t-frame signs shall be limited in location to be placed on a sidewalk within 100 feet of a building's pedestrian entrance or within 200 feet of an entrance to a subdivision.			

**D. Additional regulations by sign types.** The following regulations apply to the sign types specified below:

**(1)** A-frame or T-frame sidewalk signs.

- (i) The sign may be located on a public or private sidewalk or walkway provided it is placed on pavement and not in any landscaped areas.



- (ii) If the sign is placed on a sidewalk or walkway, the sign shall not impede pedestrian movement on the sidewalk or walkway as determined by the Zoning Inspector.
- (iii) The sign must be free-standing and shall not be affixed, chained, anchored, or otherwise permanently secured to the ground or to any pole, parking meter, tree, tree grate, fire hydrant, railing, or other structure.
- (iv) The sign must not obstruct access to parking meters, bicycle racks and other features legally in the right-of-way. The sign must not interfere with the opening of car doors in legal spaces, or with the operation of wheelchair lifts and ramps, cab stands, loading zones or bus stops.
- (v) The sign shall be internally weighted so that it is stable and windproof.
- (vi) The sign shall only be placed outside during the hours of the establishment's operation.
- (vii) Orange Township shall be held harmless from any liability resulting from accident or injury caused by erection and maintenance of such sign.

**(2) Balloon or air-activated signs.**

- (i) Only one balloon or air-activated sign is allowed on any lot at one time.
- (ii) The sign shall be securely anchored to the ground.
- (iii) Orange Township shall be held harmless from any liability resulting from accident or injury caused by erection and maintenance of such sign.
- (iv) The sign shall be setback from any right-of-way and any parking space a minimum distance equal to its height. Such setback shall include any wires, rope, or other materials used to securely fasten the sign to the ground.

**(3) Banner signs.**

- (i) Banner signs may be attached to a building, fence, or other similar structure.

- (ii) The maximum height standard for temporary signs shall not apply to a banner sign but such signs shall not be mounted in a manner that extends above the roofline of a building or the top of the structure on which it is mounted.
  - (iii) When a new use is approved for a property, a banner sign may be approved for up to 90 consecutive days to cover the existing permanent signs and provide identification until a new permanent sign has been approved and erected. Such banner sign shall not exceed the sign area allowance of the permanent sign and shall require a zoning permit.
- (4) Pennant signs.
- (i) There shall be a minimum separation distance of 50 feet for all pennant signs as measured along the street frontage.
  - (ii) The signs shall be securely anchored in the ground or within a portable base designed for such function.
  - (iii) The sign shall be setback from any right-of-way and any parking space a minimum distance equal to its height.

### Section 22.10 Non-Conforming Signs

- A. Legal nonconforming status.** All signs that do not conform to the specific standards of this Zoning Resolution may be considered legally nonconforming if the sign was erected in conformance with a valid zoning permit and complied with all applicable laws at the time of the sign's installation.
- B. Loss of legal nonconforming status.** A sign shall lose its legal nonconforming status and must be brought into compliance with the provisions of this chapter by an application for and issuance of a zoning permit or by complete removal, if any of the following occurs:
- (1) The sign is damaged to an extent that requires replacement of the sign;
  - (2) The sign type or structure is altered in any form;

- (3) The sign is relocated;
  - (4) The nonconforming sign and its structure (including support and frame and panel) are determined by the Zoning Administrator to be unsafe or in violation of this Zoning Resolution and declared a nuisance.
- C. Illegal signs.** Failure to bring a sign into compliance after loss of a legal nonconformity status shall cause the sign to be considered an illegal sign.
- D. Repair and maintenance.** Minor repairs and maintenance of nonconforming signs, such as repainting, electrical repairs and neon tubing repairs shall be permitted. Maintenance does not include making changes in the words, symbols, or design on the current sign unless the words and symbols are part of the changeable reader board or removable panels on a sign cabinet.
- E. Replacement of sign face.** Sign face changes where there is no change to the nonconforming sign structure including change in sign face area, height, or alteration of the sign cabinet, if applicable, may be made without a zoning permit and without losing the legal nonconforming status of the sign. These actions include, but are not limited to, replacement of a sign face, repainting of a sign face, and similar measures.

### Section 22.11 Maintenance

- A. Required maintenance.** Every sign shall be maintained in a safe, presentable, and good structural condition at all times, including the replacement of a defective part, painting, cleaning, and other acts required for the maintenance of the sign.
- B. Complete removal required.**
- (1) Whenever a sign is to be removed pursuant to the requirements of this section, all parts of the sign and supporting structure (e.g., pole, monument,

cabinet structure, etc.), excluding buildings for wall, projecting, or similar signage, shall be removed in its entirety. This section shall not require the removal of a raceway if mounted to such structure on a building.

- (2) The Township may remove signage installed in a right-of-way without prior authorization per Section 22.04-l.

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ARTICLE 23. Reserved

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**RESERVED**

## ARTICLE 24. Nonconformities

### Section 24.01 Continuance or Discontinuance

- A. Continued operation permitted.** The lawful use or construction of any (1) dwelling, (2) building, (3) structure, or (4) sign, and of any (5) land or (6) premises, as existing and lawful at the time of enactment of this Zoning Resolution or any amendments hereto, that does not comply with the provisions of this Zoning Resolution, shall be considered a legally established nonconformity, and may be continued, except as provided below.
- B. Discontinuance or abandonment.** If any such nonconformity is voluntarily discontinued or abandoned for two years or more, any future use or improvement shall be in conformity with this Zoning Resolution and amendments hereto.

### Section 24.02 Determination of Vacancy or Abandonment

- A. Vacancy or abandonment of nonconformity.** A nonconformity is determined to be vacated or abandoned when any of the following occurs:
- (1) Regarding a nonconforming use, said use has not operated for a consecutive period of two years or more; or
  - (2) Regarding a nonconforming structure or property, no use has legally operated in the structure or on the property for a consecutive period of two years or more.

### Section 24.03 Loss of Signage Legal Nonconforming Status

- A. Nonconforming signage.** Non-conforming signs shall be subject to Section 22.10 - Non-Conforming Signs, above.

### Section 24.04 Restoration

- A. Restoration of nonconformities.** Legally established nonconformities that are not located within a flood zone and that are damaged or partially

destroyed by fire, explosion, flood, wind, earthquake, tornado, or other calamity may be restored to their original dimensions and conditions if:

- (1) The use, structure, or building is a residential use in an originally designed and constructed single-unit dwelling or two-unit dwelling; or
- (2) The damage or destruction does not exceed 66% of the gross floor area of the affected building or structure; and
- (3) The restoration work (including seeking applicable permits) commences within ninety days of such calamity and is diligently continued until completed.

#### Section 24.05 Expansion or Substitution

- A. No nonconformity may be expanded or substituted except upon the granting of a Conditional Use Permit issued by the Board of Zoning Appeals pursuant to the provisions of this Section and Section 28.11 Conditional Uses and Variances.
- B. The Board of Zoning Appeals is authorized to permit the following types of changes and extensions of legally established nonconformities with conditions as they deem necessary and reasonable for the protection of adjacent properties and the public interest:
  - (1) A proposed nonconforming use that is less intense in terms of traffic, noise, lighting, storage of materials, and similar measures may be substituted for the existing nonconforming use of the subject property.
  - (2) A nonconforming use that occupies a portion of an existing structure or property may be extended to additional portions of the existing structure or property, though not to exceed more than 50% of the gross floor area of the nonconforming use as it exists prior to the proposed expansion.
  - (3) A nonconforming use, structure, or sign may be altered or reconstructed in a manner that will make the nonconformity substantially more in conformance

with the standards of this Zoning Resolution and substantially more in character with its surroundings.

#### **Section 24.06 Improvement on a Nonconforming Lot**

- A.** The construction of a conforming structure or the establishment of a permitted use shall be allowed on any pre-existing lot of record which may have a deficient lot width or lot area per the requirements of the applicable zoning district. A variance of any development standard other than minimum lot area and/or minimum lot width (such as a variance from minimum setback standards) may be obtained only through action of the Board of Zoning Appeals in accordance with Section 28.11 Conditional Uses and Variances.

#### **Section 24.07 Elimination of Nonconforming Status**

- A.** Table 24.07-A - Elimination of Nonconforming Status provides methods for removing a nonconformity or causing the nonconformity to comply with this Zoning Resolution.



*Table 24.07-A - Elimination of Nonconforming Status*

Type of Nonconformity	Methods to Eliminate Nonconforming Status
Use	Conversion of the existing use to a conforming use.
	Approval of a Variance of Use from the Board of Zoning Appeals to permit the use.
	Approval of a Zoning Map amendment to a district that permits the use. (See ORC <a href="#">Section 519.12</a> )
Structure	Alterations to the structure that will bring it into conformance with this Zoning Resolution.
	Approval of a Variance to legally establish the nonconforming aspects.
Fence/Wall	Alterations to the fence/wall that bring it into conformance with this Zoning Resolution.
	Approval of a Variance to legally establish the nonconforming aspects.
Sign	Conversion of the existing sign to a sign type, location, dimension, or related element that conforms with this Zoning Resolution.
	Alterations to the sign that bring it into conformance with this Zoning Resolution.
Lot	Combination of the nonconforming lot with an adjoining lot (or adjoining lots) to create one lot that conforms with this Zoning Resolution.
	Approval of a Variance to legally establish the nonconforming aspects.
	Approval of a Zoning Map amendment to a district that permits the lot size and dimensions. (See ORC <a href="#">Section 519.12</a> )

## ARTICLE 25. Zoning Inspector, Zoning Permits, Applications, and Certificates of Compliance

### Section 25.01 Enforcement authority

- A.** As authorized by Ohio Revised Code section 519.16, as may be amended, the Township provides for the position of township Zoning Inspector, together with assistants, for the purpose of enforcing the regulations of this Zoning Resolution.
- B.** As authorized by Ohio Revised Code section 519.171, as may be amended, the Township delegates authority to the Zoning Inspector to enforce compliance with any zoning standards pertaining to landscaping or architectural elements.
- C.** As authorized by Ohio Revised Code section 519.16, as may be amended, the Township may appoint the Fiscal Officer as the secretary of the Zoning Commission, the secretary of the Board of Zoning Appeals, and/or the Zoning Inspector, and may receive compensation for the Fiscal Officer's services in addition to other compensation allowed by law.
- D. Powers and duties of the Zoning Inspector.** The Zoning Inspector:

  - (1) Shall review and approve or disapprove applications for zoning permits.
  - (2) May implement interpretations of undefined uses.
  - (3) Shall maintain official records of decisions related to the enforcement of this Zoning Resolution.
  - (4) Shall provide required information to the Board of Zoning Appeals regarding an appeal of an administrative decision.
- E. Response to complaints.** If the Zoning Inspector or their designee receives a complaint in writing that is not related to provisions of this Zoning Resolution, then the Zoning Inspector or their designee, at their discretion, may respond to the complaint, confirm that the office of the

Zoning Inspector lacks jurisdiction in the matter, and provide references to entities which may assist the person or persons who have submitted the complaint. The office of the Zoning Inspector shall not be held liable for the information provided by any referenced entities.

### **Section 25.02 Zoning Permits, Applications, and Certificates of Compliance**

#### **A. Zoning Inspector decision.**

- (1) The Zoning Inspector shall receive and approve or disapprove applications for zoning permits and issue associated certificates of compliance.
- (2) As required by section 519.17 of the Ohio Revised Code, as may be amended, the Zoning Inspector shall only approve and issue zoning permits if submitted applications fully comply with the zoning regulations then in effect, including this Zoning Resolution and the official Zoning Map.

#### **B. Zoning permit and certificate of compliance required.** Unless explicitly exempted by State or Federal law, as may be amended, or other parts of this Zoning Resolution:

- (1) No structure shall hereafter be located constructed, reconstructed, enlarged, or structurally altered nor shall any work be started upon the same until a zoning permit for the same has been issued by the Zoning Inspector.
- (2) No use of any land shall commence until a zoning permit for the same has been issued by the Zoning Inspector after completion of the work identified in an approved zoning permit.
- (3) No signage, as regulated in Article 22 – Signage, shall hereafter be constructed, installed, placed, relocated, expanded, modified, maintained, or otherwise altered until a zoning permit for the same has been issued by the Zoning Inspector.
- (4) No building or premises shall hereafter be converted, enlarged, or wholly or partly altered until a zoning permit for the same has been issued by the Zoning Inspector.

- (5) No landscaping or trees, as regulated in Section 21.06 - Landscaping, Screening, and Buffering, shall be installed, removed, or altered until a zoning permit for the same has been issued by the Zoning Inspector.
- (6) A zoning certificate of compliance shall be issued by the Zoning Inspector before a structure, building, or site is used or occupied, following the completion of work identified in an approved zoning permit.
- (7) A zoning certificate of compliance shall be required for construction of new commercial buildings, new residential buildings, new mixed-use buildings, and additions or expansions to commercial buildings.

**C. Exempted from zoning permit.** The following types of work, construction activities, or types of installations shall not require a zoning permit or a zoning certificate of compliance:

- (1) Installation of a tent.
- (2) Installation of a telecommunications tower and associated facility.
- (3) Installation of paver patios that are not set in concrete.
- (4) Repair, replacement, or new construction of sidewalks.
- (5) Repair, replacement, or new construction of fences.
- (6) Installation of children's swing sets, sandboxes, and playhouses that are less than 100 square feet in floor area.
- (7) Installation of accessory buildings that are less than 100 square feet in floor area.
- (8) Installation of concrete slab patios that are less than 100 square feet in floor area.
- (9) Installation of children's above-ground wading pool that is no larger than 100 square feet.

- (10) Structures and installations that are deemed by the Zoning Inspector to be similar to the above-listed items by nature of their size, placement, usage, and visibility.
- (11) Construction, reconstruction, enlargement, or other alteration of a structure on land that is presently used for agricultural purposes as defined in Section 519.01 of the Ohio Revised Code.
- (12) Use of land for public utilities or railroads.

**D. Zoning permit application requirements.** A zoning permit shall not be considered complete, and the Zoning Inspector will take no action on said application, unless the following conditions are met:

- (1) All applications must include the applicable filing fee as established by the Board of Trustees.
- (2) Any application that is subject to Section 21.06 - Landscaping, Screening, and Buffering per Section 21.06.B shall include landscaping plans with the information specified in this Article.
- (3) In any application that involves a lot which is not currently served with public water supply and/or the disposal of sanitary wastes by means of public sewers, and said property is not proposed to be served with said utilities, the application for a zoning permit shall be accompanied by a Certificate of Approval by the Health Officer of Delaware County, or their designee, for the proposed method of water supply and/or disposal of sanitary wastes.
- (4) In any application that involves the construction, reconstruction, enlargement, or other alteration of a structure, the zoning permit application shall include a site plan with the information specified in this Article.
- (5) In any application that involves a change of use, expansion of a use, or addition of a use, the zoning permit application shall specify the location and classification of such use(s).

- (6) In any application that involves the construction, reconstruction, enlargement, or other alteration to a structure used for commercial, mixed-use, industrial, and other non-residential uses, the application shall include written approval from the Orange Township Fire and Public Works Departments, as deemed necessary at the discretion of the Zoning Inspector.
- (7) In any application that involves rezoning a property, the application shall include written approval from the Orange Township Fire and Public Works Departments of any required or proposed alterations to the public right-of-way.
- (8) In any application that involves subdividing or replatting a property, the application shall include written approval from the Orange Township Fire and Public Works Departments, as deemed necessary at the discretion of the Zoning Inspector.
- (9) In any application that involves the construction, installation, placement, relocation, expansion, modification, maintenance, or other alteration of signage, the zoning permit application shall include a site plan with the information specified in this Article.
- (10) These provisions shall not be construed to prohibit the Zoning Inspector from requiring additional information necessary to review the content of an application for compliance with this Zoning Resolution.

**E. Zoning permit site plan requirements.** Where a complete zoning permit application requires a site plan, the site plan shall be drawn to scale and shall include the following information, unless waived by the Zoning Inspector:

- (1) Lot lines and lot dimensions of the subject property.
- (2) List of exterior elevation building materials.
- (3) A north arrow and scale.

- (4) Dimensions and locations of street right-of-way boundaries, utilities, easements, and no-build zones (if applicable).
- (5) Existing and proposed building locations, footprints, and dimensions.
- (6) Dimensions and locations of driveways and parking areas.
- (7) Dimensions labeled on the front, side, and rear setbacks between the building footprint(s) and the relevant lot lines.
- (8) Existing and proposed signage locations, footprints, and dimensions.
- (9) Locations and heights of fencing and gates (if the application includes a pool).
- (10) An exterior lighting plan, as described in Section 21.03-E.
- (11) These provisions shall not be construed to prohibit the Zoning Inspector or their designee from requesting additional information required for review of an application's compliance with this Zoning Resolution.

**F. Term and expiration of zoning permit.**

- (1) An approved zoning permit shall expire after one calendar year from the date of approval as marked on the zoning permit if construction has not been completed or the permitted use has not been established. Within this timeframe, the permitted use may be established and/or work may commence to alter the subject property according to the permitted work.
- (2) A temporary compliance certificate may be issued at the discretion of the Zoning Inspector, extending the validity of the original zoning permit by up to six months.
- (3) If the zoning permit expires before the permitted use is established, or if the zoning permit expires before work commences to alter the subject property, then a new zoning permit shall be required before the use may change and/or before the subject property may be altered.

- (4) If work commences to alter the subject property before the zoning permit expires, the work to complete the approved alterations may continue beyond the expiration date of the approved zoning permit for a period of no longer than six months. If the work needs to continue beyond six months after the expiration of the approved zoning permit, then an extension of the zoning permit shall be required before work may resume.

**G. Filing fees.** The Board of Trustees may require a person applying for a zoning permit, extension of a zoning permit, temporary zoning compliance certificate, or other permit issued through this Zoning Resolution to pay a fee to defray the cost of software, professional staff, and other expenses.

**H. Zoning certificate of compliance.**

- (1) It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a zoning certificate of compliance has been issued by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this Resolution.
- (2) Upon the completion of work permitted by an approved zoning permit, the applicant shall schedule a final inspection by the Zoning Inspector. If the completed work meets the requirements of this Resolution, then the Zoning Inspector shall issue a zoning certificate of compliance.

**I. Temporary zoning certificate of compliance.**

- (1) An applicant may request a temporary zoning certificate of compliance to occupy land and/or a building in whole or in part when the work included in an approved zoning permit is partially complete. If the completed work meets the requirements of this Resolution, then the Zoning Inspector shall issue a temporary zoning certificate of compliance.



- (2) An approved temporary zoning certificate of compliance shall expire six months after issuance. After a temporary zoning certificate of compliance expires, the applicant shall cease to occupy the land and/or a building in whole or in part unless and until a zoning certificate of compliance is issued.

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## ARTICLE 26. Zoning Commission

### Section 26.01 Zoning Commission

#### A) Establishment of the Zoning Commission.

- (1) As required by Ohio Revised Code section 519.04 and other sections of chapter 519 of the Ohio Revised Code, as may be amended, the Township hereby establishes the township Zoning Commission per the provisions below.
- (2) The Zoning Commission shall adopt and operate under a set of bylaws. Such bylaws shall be made public and shall not be in conflict with the laws applicable to the Zoning Commission or the provisions of this Resolution.

#### B) Powers of the Zoning Commission. The Zoning Commission is authorized or required to take the following actions:

- (1) Receive certified resolutions and applications for text and/or map amendments: The Zoning Commission shall receive and process any resolutions from the Board of Trustees and any filed, complete applications for text and/or map amendments per ORC [Section 519.12](#).
- (2) Initiate or make recommendations on text and/or map amendments: The Zoning Commission may adopt a motion to amend or supplement this Zoning Resolution or shall issue recommendations on applications to amend or supplement this Zoning Resolution and proceed accordingly on the amendment or supplement per ORC [Section 519.12](#).
- (3) Consult with county or regional planning commission: As authorized by section 519.05 of the Ohio Revised Code, as may be amended, the Zoning Commission may request a county or regional planning commission that operates within Delaware County to prepare or make available a zoning plan, including text and maps, for the unincorporated area of the township or any portion thereof.

#### C) Regular members and terms.

- (1) The Board of Trustees shall appoint five members to the Zoning Commission who shall be residents of the unincorporated territory in the township that is subject to this Zoning Resolution.
- (2) The terms of all regular members shall be five years and shall be arranged so that the term of one member will expire each year.
- (3) No person shall be appointed to serve more than two consecutive full terms as a regular member.

**D) Alternate members and terms.**

- (1) The Board of Trustees may appoint two alternate members to the Zoning Commission, for terms to be determined by the Board of Trustees. An alternate member shall meet the same appointment criteria as a regular member.
- (2) An alternate member shall take the place of an absent regular member at any meeting of the Zoning Commission, according to procedures prescribed by resolution by the board of township trustees. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote or on which the absent member has recused themselves.

**E) Vacancies.** Vacancies on the Zoning Commission shall be filled by the Board of Trustees for the unexpired term.

**F) Compensation and expenses.**

- (1) The Board of Trustees may approve and provide for expenses, compensation, or both to the members of the Zoning Commission.
- (2) The Zoning Commission may, within the limits of monies appropriated by the Board of Trustees for the same purpose, employ or contract with such planning consultants, executive assistants, and other assistants as it deems necessary.

## ARTICLE 27. Amendments or Supplements

### Section 27.01 Amendments or Supplements

**A)** Amendments or supplements to the Zoning Resolution may be initiated by motion of the Zoning Commission, by the passage of a resolution therefor by the Orange Township Board of Trustees, or by the filing of an application therefor by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Zoning Commission. The township trustees may require that the owner or lessee of property filing an application to amend or supplement the Zoning Resolution pay a fee therefor to defray the cost of advertising, mailing, filing with the county recorder, and other expenses. If the township trustees require such a fee, it shall be required generally, for each application. The township trustees shall upon the passage of such resolution certify it to the Zoning Commission.

Upon the adoption of such motion, or the certification of such resolution or the filing of such application, the Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such resolution or the date of adoption of such motion or the date of the filing of such application. Notice of such hearing shall be given by the Zoning Commission in accordance with the requirements of Ohio Revised Code Section 519.12, as may be amended.

**B)** If the proposed amendment or supplement intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the county auditor's current tax list, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners within 200 feet of the property proposed to be rezoned or redistricted to the addresses of such owners appearing on the county auditor's current tax list. The failure of delivery of such notice shall not invalidate any such amendment.

**C)** If the proposed amendment or supplement intends to rezone or redistrict ten (10)

or fewer parcels of land as listed on the county auditor's current tax list, the published and mailed notices shall set forth the time, date, and place of the public hearing, and shall include all of the following:

- 1) The name of the Zoning Commission that will be conducting the public hearing;
- 2) A statement indicating that the motion, resolution, or application is an amendment or supplement to the Zoning Resolution;
- 3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment or supplement and of the names of owners of these properties, as they appear on the county auditor's current tax list;
- 4) The present zoning classification of property named in the proposed amendment or supplement and the proposed zoning classification of such property;
- 5) The time and place where the motion, resolution or application proposing to amend or supplement the Zoning Resolution will be available for examination for a period of at least ten (10) days prior to the public hearing;
- 6) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
- 7) A statement that after the conclusion of such hearing the matter will be submitted to the Orange Township Board of Trustees for its action.
- 8) Any other information requested by the Zoning Commission.

**D)** If the proposed amendment or supplement alters the text of the Zoning Resolution, or rezones or redistricts more than ten (10) parcels of land, as listed on the county auditor's current tax list, the published notice shall set forth the time, date and place of the public hearing and shall include all of the following:

- 1) The name of the Zoning Commission that will be conducting the public hearing on the proposed amendment or supplement;
- 2) A statement indicating that the motion, resolution, or application is an

amendment or supplement to the Zoning Resolution;

- 3) The time and place where the text and maps of the proposed amendment or supplement will be available for examination for a period of at least ten (10) days prior to the public hearing;
- 4) The name of the person responsible for giving notice of the public hearing by publication;
- 5) A statement that after the conclusion of such hearing the matter will be submitted to the Orange Township Board of Trustees for its action;
- 6) Any other information requested by the Zoning Commission.

**E)** Within five (5) days after the adoption of such motion or the certification of such resolution or the filing of such application the Zoning Commission shall transmit a copy thereof together with text and map pertaining thereto to the county or regional planning commission, if there is such a commission.

The county or regional planning commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendment or supplement.

The Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof and submit such recommendation together with such application or resolution, the text and map pertaining thereto and the recommendation of the county or regional planning commission thereon to the Orange Township Board of Trustees.

The Orange Township Board of Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed

amendment or supplement, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Zoning Commission. Notice of such public hearing shall be given by the board in accordance with the requirements of Ohio Revised Code 519.12, as may be amended.

**F)** If the proposed amendment or supplement intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and shall include all of the following:

- 1) The name of the board that will be conducting the public hearing;
- 2) A statement indicating that the motion, resolution, or application is an amendment or supplement to the Zoning Resolution;
- 3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment or supplement and of the names of owners of these properties, as they appear on the county auditor's current tax list;
- 4) The present zoning classification of property named in the proposed amendment or supplement and the proposed zoning classification of such property;
- 5) The time and place where the motion, resolution or application proposing to amend or supplement the Zoning Resolution will be available for examination for a period of at least ten (10) days prior to the public hearing;
- 6) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
- 7) Any other information requested by the board.

**G)** If the proposed amendment or supplement alters the text of the Zoning Resolution, or rezones or redistricts more than ten (10) parcels of land as listed

on the county auditor's current tax list, the published notice shall set forth the time, date and place of the public hearing, and shall include all of the following:

- 1) The name of the board that will be conducting the public hearing on the proposed amendment or supplement;
- 2) A statement indicating that the motion, resolution, or application is an amendment or supplement to the Zoning Resolution;
- 3) The time and place where the text and maps of the proposed amendment or supplement will be available for examination for a period of at least ten (10) days prior to the public hearing;
- 4) The name of the person responsible for giving notice of the public hearing by publication;
- 5) Any other information requested by the board.

H) Within twenty (20) days after such public hearing the board shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof. In the event the board denies or modifies the recommendation of the Zoning Commission, a majority vote of the board shall be required.

I) Such amendment or supplement adopted by the board shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement there is presented to the Orange Township Board of Trustees a petition, signed by a number of registered electors residing in the unincorporated area of the township or part thereof included in the zoning plan, requesting the Orange Township Board of Trustees to submit the amendment or supplement to the electors of such area for approval or rejection at a special election to be held on the day of the next primary or general election. The minimum number of registered electors who have signed the petition in order for it to be considered valid shall be determined by the applicable sections of the Ohio Revised Code, including, but not limited to, Chapter 519.



- J) No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment or supplement. Upon certification by the board of Elections that the amendment or supplement has been approved by the voters it shall take immediate effect.
- K) All procedures in regard to a referendum shall be in strict compliance with the requirements of Chapter 519 of the Revised Code of Ohio.
- L) Within five (5) working days after an amendment's or supplement's effective date, the Orange Township Board of Trustees shall file the text and maps of the amendment or supplement in the office of the county recorder and with the regional or county planning commission, if one exists.
- M) The failure to file any amendment or supplement, or any text and maps, or duplicates of any of these documents, with the office of the county recorder or the county or regional planning commission as required by this section does not invalidate the amendment or supplement and is not grounds for an appeal of any decision of the Board of Zoning Appeals.

### Section 27.02 Form of Application

- A) All applications to amend this Resolution and/or the zoning map shall be submitted on such forms as designated and approved by the Orange Township Board of Trustees. No application will be considered unless the same is fully completed and accompanied by all required information listed on said application.

### Section 27.03 Record

- A) On any application for an amendment or supplement to the Zoning Resolution at which the applicant desires a record to be made, the applicant shall give notice to the zoning secretary or the township fiscal officer, as the case may be,

requesting that a court reporter be retained to make such record. The applicant shall make such request not less than ten (10) days prior to the scheduled hearing and shall deposit with his request cash in the amount established by the trustees to be used to defray the expenses incurred in making the record. All expenses of transcribing the record shall be borne by the person requesting the preparation of the transcript. In all hearings wherein no timely request has been made for a record, or where a party does not request and pay for an official stenographic transcript, the notes of the zoning secretary or of the township fiscal officer, as the case may be, shall serve as the sole transcript of such hearing.

#### **Section 27.04 Fees**

- A) The owner or lessee of property filing an application to amend or supplement this Zoning Resolution shall deposit with such application a fee, as prescribed by the Orange Township Board of Trustees, to defray the cost of advertising, mailing, filing with the county recorder, and other expenses. This fee shall be required generally for each application and the amount of such fee shall be established annually by the trustees.

## ARTICLE 28. Board of Zoning Appeals

### Section 28.01 Establishment of Board of Zoning Appeals.

- A.** As required by Ohio Revised Code section 519.13, and as authorized by Ohio Revised Code section 519.14 and other sections of chapter 519 of the Ohio Revised Code, as may be amended, the Township hereby establishes the township Board of Zoning Appeals per the provisions below.
- B.** The Board of Zoning Appeals shall adopt and operate under a set of bylaws. Such bylaws shall be made public and shall not be in conflict with the laws applicable to the Board of Zoning Appeals or the provisions of this Resolution.

### Section 28.02 Powers of the Board of Zoning Appeals.

The Board of Zoning Appeals is authorized or required to take the following actions:

- A. Appeals of administrative decisions:** Hear and decide appeals per Section 28.10 Appeals of Administrative Decisions, where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of sections 519.02 to 519.25 of the Ohio Revised Code, including this Zoning Resolution, or of any resolution adopted pursuant thereto.
- B. Variance applications:** Per Section 28.11 Conditional Uses and Variances and upon appeal in specific cases, review and decide on variance applications.
- C. Conditional use applications:** Per Section 28.11 Conditional Uses and Variances, review and decide on conditional use permit applications for the use of land, buildings, or other structures if such conditional uses are provided for in this Zoning Resolution.

- D. Revocations:** Revoke an authorized variance permit or conditional use permit for the extraction of minerals, if any condition of the variance or certificate is violated. The Board of Zoning Appeals shall notify the holder of the permit by certified mail of its intent to revoke the permit and the holders' right to a hearing before the Board of Zoning Appeals, within thirty days of the receipt of said notice, if they so request. In lieu of said certified mail service, service may be made personally by the Zoning Inspector in which case the hearing shall be requested within thirty days after such service. If the holder requests a hearing, the Board of Zoning Appeals shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by his attorney or other representative, or they may present their position in writing. They may present evidence and may examine witnesses appearing for or against them. If no hearing is requested the Board of Zoning Appeals may revoke the permit without a hearing. The authority to revoke a permit is in addition to any other means of zoning enforcement provided by law.

#### **Section 28.03 Regular members and terms.**

- A.** The Board of Trustees shall appoint five members to the Board of Zoning Appeals who shall be residents of the unincorporated territory in the township that is subject to this Zoning Resolution.
- B.** The terms of all regular members shall be five years and shall be arranged so that the term of one member will expire each year.
- C.** No person shall be appointed to serve more than two consecutive full terms as a regular member.

#### **Section 28.04 Alternate members and terms.**

- A.** The Board of Trustees may appoint up to two alternate members to the Board of Zoning Appeals, for terms to be determined by the Board of

Trustees. An alternate member shall meet the same appointment criteria as a regular member.

- B.** An alternate member may take the place of an absent regular member at any meeting of the Board of Zoning Appeals. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote or on which the absent member has recused themselves.

#### **Section 28.05 Vacancies.**

- A.** Vacancies on the Board of Zoning Appeals shall be filled by the Board of Trustees for the unexpired term.

#### **Section 28.06 Compensation and expenses.**

- A.** As authorized by Ohio Revised Code section 519.13, as may be amended, the Board of Trustees may approve and provide for expenses, compensation, or both to the members of the Board of Zoning Appeals.
- B.** The Board of Zoning Appeals may, within the limits of monies appropriated by the Board of Trustees for the same purpose, employ such executive assistants, professional assistants, technical assistants, and other assistants as it deems necessary.

#### **Section 28.07 Organization and record keeping.**

- A.** The Board of Zoning Appeals shall organize and adopt rules in accordance with this Zoning Resolution. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each regular or alternate member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Trustees and be a public record.

**Section 28.08 Meetings and hearings.**

- A.** The chairperson, or in the chairperson's absence the acting chairperson, may administer oaths.
- B.** The Board of Zoning Appeals may request the attendance of witnesses.
- C.** The Board of Zoning Appeals is authorized to move non-hearing discussion items to a private deliberation agenda.
- D.** All meetings of the Board of Zoning Appeals shall be open to the public.

**Section 28.09 Action of the Board of Zoning Appeals.**

- A.** The Board of Zoning Appeals shall act by resolution in which at least three members concur. Every action shall be accompanied by a written finding of fact based on testimony and evidence presented in a public hearing.

**Section 28.10 Appeals of Administrative Decisions**

- A. Board of Zoning Appeals decision.** The Board of Zoning Appeals, as authorized this Article, shall hear and decide on appeals from any person aggrieved by or from any officer of the Township affected by any decision of the office of the Zoning Inspector.
- B. Appeals procedure and application.**
  - (1)** An appeal shall be taken within 20 days after the decision by filing with the Zoning Inspector from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof.
  - (2)** An application for an appeal shall be submitted in the format specified by Orange Township.
  - (3)** The Zoning Inspector from whom the appeal is taken shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

**C. Appeals hearing.**

- (1) The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give 10 days' written notice by ordinary mail to the parties in interest, give notice of such public hearing in accordance with the provisions of Ohio Revised Code Section 519.15, as may be amended.
- (2) At the hearing, any party may appear in person or by attorney.

**Section 28.11 Conditional Uses and Variances**

**A. Board of Zoning Appeals decision.** The Board of Zoning Appeals, as authorized in this article, shall hear and decide on applications for conditional use permits and/or variances per the provisions below.

**B. Conditional use criteria.** In addition to the permitted uses provided in Section 5.02 - General Permitted Uses and Interpretation and the specific requirements for a given conditional use as specified in other sections of this Zoning Resolution, the Board of Zoning Appeals shall review the particular facts and circumstances of each requested conditional use based on the following criteria:

- (1) The requested conditional use will be consistent with the objectives of this Zoning Resolution and the Orange Township Comprehensive Plan.
- (2) The proposed use is, in fact, established as a conditional use within the applicable zone or district.
- (3) The requested conditional use is of such a nature and design to be constructed, operated, and maintained in such a manner that it will not adversely affect the existing or intended development pattern of the general vicinity.
- (4) The requested conditional use will not be hazardous or disturbing to existing or future neighboring uses.
- (5) The requested conditional use will be served adequately by essential public facilities and services such as sidewalks, transit access, streets, police and

fire protection, drainage structures, refuse disposal, water and sewers, and schools.

- (6) The requested conditional use will not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
- (7) If proposed, vehicular approaches to the property of the requested conditional use shall not adversely affect pedestrian safety within and near the subject property.
- (8) If proposed, vehicular approaches to the property of the requested conditional use shall not adversely affect vehicular traffic on surrounding public rights-of-way.

**C. Area Variance criteria.** The Board of Zoning Appeals may, upon application, grant such area variances from the provisions or requirements of this Zoning Resolution as will not be contrary to the public interest based on the following criteria, as applicable independently or collectively to the requested variances:

- (1) Due to special conditions of the subject property, the literal enforcement of specific provisions of this Zoning Resolution will result in unnecessary hardship.
- (2) The granting of the variance will not be contrary to the public interest or the spirit of this Zoning Resolution.
- (3) The granting of the variance will provide substantial justice.
- (4) The requested variance is narrowly tailored to overcome a demonstrated practical difficulty caused by the literal enforcement of specific provisions of this Zoning Resolution.



**D. Practical difficulties.** To determine if the development of a property suffers from practical difficulties, the Board of Zoning Appeals shall weigh, but not be limited to, the following measures as applicable:

- (1) Whether or not the property in question is likely to yield a reasonable return without the requested variance.
- (2) Whether or not there are beneficial uses of the property that are permitted and practical without the requested variance.
- (3) Whether or not the requested variance is substantial in nature.
- (4) Whether or not the development pattern of the adjoining and surrounding area would be substantially altered as a result of the variance.
- (5) Whether or not adjoining properties would suffer a substantial detriment as a result of the variance.
- (6) Whether or not the variance would cause adverse effects to the delivery of governmental services (e.g., water, sewer, garbage).
- (7) Whether or not the applicable provisions of this Zoning Resolution applied to the subject property at the time of purchase by the person or persons seeking the variance.
- (8) Whether or not other mechanisms of relief outside of a variance are available to the property owner.
- (9) Whether or not the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

**E. Use Variance.** In granting a Use Variance, the board shall determine:

- (1) That said variance will not be contrary to the public interest;
- (2) That said variance is justified due to special conditions;
- (3) That the literal enforcement of the Resolution will result in unnecessary hardship;

- (4) That the spirit of this Resolution will be observed and substantial justice done.

**F. Filing conditional use permit or variance applications.** All

applications for conditional use permits or variances shall be submitted on such forms as designated and approved by the Zoning Department. An application will not be considered unless it is fully completed, accompanied by all required information listed on said application, and accompanied by the fee amount established by the Board of Trustees.

- G. Applications filing fee.** The Board of Trustees may require a person submitting an application for a conditional use or variance to pay a fee to defray the cost of advertising, mailing, and other expenses.

- H. Board of Zoning Appeals decisions.** Within a public hearing, the Board of Zoning Appeals may take any of the following actions regarding a variance application:

- (1) Make findings of fact regarding the criteria and approve the variance request.
- (2) Make findings of fact regarding the criteria and approve the variance request with conditions which substantially secure the objectives, intent, and spirit of the Zoning Resolution provisions from which relief is sought.
- (3) Make findings of fact regarding the criteria and disapprove the variance request.
- (4) Continue the variance request to a specific date of a future public hearing.

## ARTICLE 29. Enforcement

### Section 29.01 Violations

**A. Violations identified.** A violation of this Zoning Resolution occurs when:

- (1) A structure is located, erected, constructed, reconstructed, enlarged, changed, maintained, or used in a manner that contradicts or conflicts with applicable provisions of this Zoning Resolution.
- (2) A sign is located, erected, constructed, reconstructed, enlarged, changed, maintained, or used in a manner that contradicts or conflicts with applicable provisions of this Zoning Resolution.
- (3) Land is altered or used in a manner that contradicts or conflicts with applicable provisions of this Zoning Resolution.
- (4) Any other changes to a property contradict or conflict with applicable provisions of this Zoning Resolution.
- (5) Any work is started or completed without the permits required by this Zoning Resolution.
- (6) Landscaping is not maintained or is altered in a manner inconsistent with applicable provisions of this Zoning Resolution and applicable approved landscaping plans.
- (7) Exposed soil is left unseeded or erodes onto adjoining lands.
- (8) There is, outside of solid-sided containers, any accumulation of trash, debris, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, garbage, refuse, or junk which create an eyesore, hazard, or nuisance to the neighborhood or general public.

**B. Notice of violations.** The Zoning Inspector may issue a notice of violation to the owner of the property where the violation occurred. Such

a notice of violation shall include a reference to any specific sections of the Zoning Resolution that have been violated.

### Section 29.02 Remedies

**A. Reversal or removal of violation.** To avoid additional penalties, a violation:

- (1) May be reversed, if applicable.
- (2) May be entirely removed from a property.
- (3) May be altered into compliance (with an approved zoning permit, if required).

**B. Other remedies.** The Board of Trustees or their appointed representative, the prosecuting attorney of the county, or the Zoning Inspector may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove the unlawful location, erection, construction reconstruction, enlargement, change, maintenance, or use.

**C. Special counsel.** The Township Trustees may employ special counsel to represent it in any proceedings or to prosecute any actions brought under this Article.

### Section 29.03 Penalty

**A. Penalty established.** The owner(s) or the occupant(s) of any structure or lot or any part thereof that is in violation of this Zoning Resolution or Chapter 519 of the Ohio Revised Code, and any licensed professionals or other employed entities who assist in the commission of any such violation, and all other persons or entities who violate the provisions of this Zoning Resolution or Chapter 519 of the Ohio Revised Code shall be fined not more than five hundred dollars (\$500.00) or shall be subject to the maximum fine or imprisonment as provided by law for each violation, whichever is greater.

- B. Multiple offenses.** Each day that a violation remains unaddressed shall be deemed a separate offense.

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